No. 21


# Part 2
# LAWS AND REGULATIONS

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## Summary



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Part 2 – LAWS AND REGULATIONS

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# PROVINCE OF QUÉBEC

1ST SESSION

43RD LEGISLATURE

QUÉBEC, 25 MARCH 2025

## OFFICE OF THE LIEUTENANT-GOVERNOR

*Québec, 25 March 2025*

This day, at half past three o'clock in the afternoon, Her Excellency the Lieutenant-Governor was pleased to assent to the following bill:

79 An Act to enact the Act respecting contracting by municipal bodies and to amend various provisions mainly for the purpose of reducing the administrative burden of municipal bodies

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

*Québec Official Publisher*

# PROVINCE OF QUÉBEC

1ST SESSION

43RD LEGISLATURE

Québec, 25 March 2025

## Office of the Lieutenant-Governor

*Québec, 25 March 2025*

This day, at twenty to four o'clock in the afternoon, Her Excellency the Lieutenant-Governor was pleased to assent to the following bill:

86 An Act to ensure the long-term preservation and vitality of agricultural land

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

*Québec Official Publisher*

# PROVINCE OF QUÉBEC

1ST SESSION

43RD LEGISLATURE

QUÉBEC, 23 APRIL 2025

## OFFICE OF THE LIEUTENANT-GOVERNOR

*Québec, 23 April 2025*

This day, at half past three o'clock in the afternoon, Her Excellency the Lieutenant-Governor was pleased to assent to the following bill:

214 An Act respecting Ville de Rouyn-Noranda

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

# NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-THIRD LEGISLATURE

Bill 79
(2025, chapter 4)

## An Act to enact the Act respecting contracting by municipal bodies and to amend various provisions mainly for the purpose of reducing the administrative burden of municipal bodies

**Introduced 7 November 2024**
**Passed in principle 28 January 2025**
**Passed 18 March 2025**
**Assented to 25 March 2025**

**Québec Official Publisher**
**2025**

**EXPLANATORY NOTES**

*This Act enacts the Act respecting contracting by municipal bodies, whose object is to define a framework for the awarding and management of contracts by municipal bodies.*

*More specifically, the Act respecting contracting by municipal bodies requires municipal bodies to adopt a by-law on contract management and provides that the enterprise integrity regime provided for in the Act respecting contracting by public bodies is to apply to municipal bodies. It determines the conditions under which supply, construction, services or partnership contracts may be awarded. It prescribes new contract awarding procedures, a first one being by means of a request for a quotation addressed to qualified enterprises, and a second one which, when awarding a partnership contract, uses a system adapted to the equipment or infrastructure project.*

*The Act respecting contracting by municipal bodies creates the obligation for municipal bodies to evaluate their procurement requirements before awarding a contract and to estimate the contract's price. In addition, it makes it possible to award a contract by written invitation or by mutual agreement in certain circumstances, such as when an emergency threatens human safety or property. It also contains rules governing the rejection of tenders whose price is abnormally low, the performance assessment of enterprises, the publication of the information related to the contracts awarded and, in matters relating to construction work, the payment of the sums of money claimed and the settlement of disputes.*

*In addition, the Act respecting contracting by municipal bodies amends other Acts to allow a local municipality or regional county municipality, a public transit authority, the Réseau de transport métropolitain or an intermunicipal board to own, on certain conditions, an immovable in divided co-ownership. The changes made also aim to preclude a locale municipality from having to obtain the authorization of the persons who can vote to authorize certain contracts whose object is the improvement of the energy efficiency of equipment or infrastructure and to provide that municipal loans may be made with a view to repayment into the general fund of a local municipality in certain circumstances.*

*In matters of land use planning and development, the Act abolishes the recourses whereby qualified voters may apply to the Commission municipale du Québec for the examination of a planning by-law's compliance with a planning program. The Act shortens a number of deadlines provided for in the Act respecting land use planning and development, including those granted to the Minister of Municipal Affairs and to other bodies in the course of a process to amend a land use planning and development plan or a metropolitan land use and development plan. It grants local municipalities the power to authorize real estate projects whose use is mainly residential and that depart from planning by-laws.*

*The Act also provides that a legal person receiving an annual subsidy of $250,000 or more from a municipality governed by the Cities and Towns Act must have its financial statements audited. The Act increases the term of the chief auditor of a municipality having a population of 100,000 inhabitants or more to 10 years and specifies that such an auditor must be the holder of a public accountancy permit.*

*The Act provides that a municipality participating in the production of electricity at a hydro-electric power plant must hold at least 50% of the voting rights attached to the participations.*

*The Act allows a municipality governed by the Municipal Code of Québec to appoint a clerk and a treasurer instead of only a clerk-treasurer. Intermunicipal boards are also allowed to establish their head office at any place in Québec.*

*With regard to municipal territorial organization, the Act provides that the actions taken by a regional county municipality remain in force transitionally when an amalgamation or annexation entails changes to the territory of a regional county municipality. It establishes that the government financial assistance granted to a municipality that results from an amalgamation or whose territory was modified by the annexation of the territory of another municipality must, for a period of 10 years, be at least equal to the amounts that would have been granted to the municipalities concerned had the amalgamation not taken place.*

*The Act raises the threshold of the annual maximum value of municipal loan by-laws described in general terms and abolishes the obligation to send a copy to the Minister of Municipal Affairs of the resolutions setting the deadline for the deposit of the roll and of those*

*setting the deadline for sending the notice of assessment and the tax account.*

*The Act provides that no local municipality may refuse the implementation, on its territory, of a resource that offers respite services to caregivers by temporarily sheltering the persons they help for the sole reason that the building or dwelling premises are occupied by such a resource.*

*Lastly, the Act contains miscellaneous, transitional and final provisions.*

**LEGISLATION ENACTED BY THIS ACT:**

– Act respecting contracting by municipal bodies (2025, chapter 4, section 1).

**LEGISLATION AMENDED BY THIS ACT:**

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

– Act respecting the Autorité des marchés publics (chapter A-33.2.1);

– Act respecting the Autorité régionale de transport métropolitain (chapter A-33.3);

– Charter of Ville de Gatineau (chapter C-11.1);

– Charter of Ville de Lévis (chapter C-11.2);

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

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

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

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

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

– Act respecting the Commission municipale (chapter C-35);

– 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);

– Act respecting contracting by public bodies (chapter C-65.1);

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

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

– Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001);

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

– Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1);

– Act respecting municipal territorial organization (chapter O-9);

– Act to recognize and support caregivers (chapter R-1.1);

– Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20);

– Act respecting the Réseau de transport métropolitain (chapter R-25.01);

– Act respecting the Société de financement des infrastructures locales du Québec (chapter S-11.0102);

– Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01);

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

– Municipal Works Act (chapter T-14);

– Act respecting Ville de Laval (1994, chapter 56);

– Act respecting Ville de Saint-Romuald (1994, chapter 61);

– Act respecting the Municipalité régionale de comté du Haut-Richelieu (1994, chapter 69);

– Act respecting the village and the parish of Saint-Anselme (1995, chapter 84);

– Act to amend the charter of the City of Laval (1999, chapter 91);

– Act respecting Municipalité régionale de comté d'Arthabaska (2004, chapter 47);

– Act respecting the insurer activities of the Fédération québécoise des municipalités locales et régionales (FQM) and its amalgamation with, by absorption of, La Mutuelle des municipalités du Québec (2021, chapter 46);

– Act respecting Ville de Victoriaville (2022, chapter 35);

– Act to amend various legislative provisions with respect to housing (2024, chapter 2);

– Act respecting Ville de Terrebonne (2024, chapter 46);

– Act respecting Ville de Blainville (2024, chapter 47).

**LEGISLATION REPEALED BY THIS ACT:**

– Act respecting Municipalité régionale de comté des Appalaches (2010, chapter 56);

– Act respecting Ville de Windsor (2013, chapter 40);

– Act respecting Municipalité de Notre-Dame-des-Pins (2017, chapter 39);

– Act respecting Municipalité de Saint-Damien-de-Buckland (2022, chapter 38).

**REGULATION REPEALED BY THIS ACT:**

– Regulation respecting the awarding of contracts for certain professional services (chapter C-19. r. 2).

**ORDERS IN COUNCIL AMENDED BY THIS ACT:**

– Order in Council 17-2001 dated 17 January 2001, respecting Ville de Saint-Jean-sur-Richelieu;

– Order in Council 736-2001 dated 20 June 2001, respecting Ville de Terrebonne;

– Order in Council 841-2001 dated 27 June 2001, respecting Ville de Saguenay;

– Order in Council 850-2001 dated 4 July 2001, respecting Ville de Sherbrooke;

– Order in Council 851-2001 dated 4 July 2001, respecting Ville de Trois-Rivières;

– Order in Council 1012-2001 dated 5 September 2001, respecting Ville de Shawinigan;

– Order in Council 1044-2001 dated 12 September 2001, respecting Ville de Saint-Jérôme;

– Order in Council 1478-2001 dated 12 December 2001, respecting Ville de Rouyn-Noranda;

– Order in Council 202-2002 dated 6 March 2002, respecting Ville de Repentigny.

# Bill 79

## AN ACT TO ENACT THE ACT RESPECTING CONTRACTING BY MUNICIPAL BODIES AND TO AMEND VARIOUS PROVISIONS MAINLY FOR THE PURPOSE OF REDUCING THE ADMINISTRATIVE BURDEN OF MUNICIPAL BODIES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

### CHAPTER I

ENACTMENT OF THE ACT RESPECTING CONTRACTING BY MUNICIPAL BODIES

**1.** The Act respecting contracting by municipal bodies, the text of which appears in this chapter, is enacted.

"ACT RESPECTING CONTRACTING BY MUNICIPAL BODIES

"**TITLE I**

"PURPOSE, SCOPE AND DEFINITIONS

"**1.** The purpose of this Act is to define a framework for the awarding of contracts to enterprises by municipal bodies and for the management of those contracts. A further object of the Act is to determine certain conditions applicable to subcontracts directly or indirectly related to those contracts.

It aims to foster competition and promote the integrity and transparency of public procurement so as to ensure the sound management of public funds and the fair treatment of enterprises.

"**2.** The provisions of this Act apply in compliance with any intergovernmental agreement applicable to contracts of municipal bodies.

For the purposes of this Act, "intergovernmental agreement" means a public procurement liberalization agreement between Québec and another jurisdiction, or an agreement to which Québec has, in accordance with the Act respecting the Ministère des Relations internationales (chapter M-25.1.1), declared itself bound.

"**3.** For the purposes of this Act, the following are municipal bodies:

(1) municipalities, except for Northern, Cree or Naskapi villages;

(2) metropolitan communities;

(3) intermunicipal boards;

(4) public transit authorities;

(5) the Autorité régionale de transport métropolitain;

(6) the Réseau de transport métropolitain;

(7) the James Bay Regional Administration; and

(8) the bodies constituted under section 465.1 of the Cities and Towns Act (chapter C-19) or article 711.2 of the Municipal Code of Québec (chapter C-27.1).

"**4.** For the purposes of this Act, a body that meets one of the following conditions is considered to be a municipal body:

(1) it is declared by law to be the mandatary or agent of a municipal body referred to in section 3;

(2) the majority of the members of its board of directors must, under an Act or regulation, be members of a council of a municipality or be appointed by a municipality;

(3) its budget is adopted or approved by a municipality;

(4) it operates on a non-profit basis and, on 1 January of the current year, meets the following conditions:

(*a*) the amount of its revenues during one of the past two years is equal to or greater than $1,000,000; and

(*b*) it received, during one of the years referred to in subparagraph *a*, financial assistance from a municipality in an amount equal to or greater than half of its revenues for that year; or

(5) it has been designated as a municipal body by the Minister.

Despite the first paragraph, a mixed enterprise company is considered to be a municipal body only to the extent that the Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01) provides that this Act applies.

"**5.** In this Act,

"electronic tendering system" means the electronic tendering system approved by the Government for the purposes of the Act respecting contracting by public bodies (chapter C-65.1);

"enterprise" means a legal person established for a private interest, a general, limited or undeclared partnership or a natural person who operates a sole proprietorship.

"**6.** Where a municipality must make a publication on its website under this Act but does not have a website, it must make the publication on the website of a regional county municipality whose territory includes that of the municipality or, if the regional county municipality does not have a website, on another website of which the municipality gives public notice of the address at least once a year. Any other municipal body that does not have a website must make the publication on a website of which it gives public notice of the address at least once a year.

"**TITLE II**

"BY-LAW ON CONTRACT MANAGEMENT

"**7.** Every municipal body must adopt a by-law on contract management that contains standards applicable to the awarding and carrying out of all of its contracts.

"**8.** To promote integrity and transparency in contractual matters, a by-law on contract management must include measures to

(1) ensure compliance with any applicable anti-bid-rigging legislation;

(2) ensure compliance with the Lobbying Transparency and Ethics Act (chapter T-11.011) and the code of conduct adopted under that Act;

(3) prevent intimidation, influence-peddling and corruption;

(4) prevent conflict of interest situations;

(5) prevent any other situation that could compromise the impartiality or objectivity of the call for tenders or the management of the resulting contract; and

(6) govern the making of decisions authorizing the amendment of a contract.

Such a by-law must also include measures to

(1) promote responsible procurement that takes into account the principles set out in section 6 of the Sustainable Development Act (chapter D-8.1.1);

(2) promote Québec or otherwise Canadian goods and services and enterprises that have an establishment in Québec or elsewhere in Canada for the purposes of the awarding of any contract awarded according to a procedure by written invitation or by mutual agreement; and

(3) promote rotation among prospective contracting parties for contracts, to the extent that those contracts may be awarded by mutual agreement under rules adopted under section 9.

A regulation of the Minister defines what constitutes Québec or otherwise Canadian goods and services and which enterprises constitute enterprises that have an establishment in Québec or elsewhere in Canada.

"**9.** A by-law on contract management may provide rules applicable to the awarding of the contracts covered in Chapter V of Title III, which may depart from the provisions of this chapter, as well as any other standard applicable to the awarding or management of contracts.

"**10.** A municipal body must publish its by-law on contract management on its website.

"**TITLE III**

"AWARDING OF CERTAIN CONTRACTS OF MUNICIPAL BODIES

"**CHAPTER I**

"GENERAL PROVISIONS

"**DIVISION I**

"SCOPE

"**11.** This Title applies to the following contracts:

(1) a supply contract, that is, a contract for the purchase, lease or rental of movable property that may include the cost of installing, operating and maintaining the property, and any contract for the lease of equipment with an option to purchase;

(2) a construction contract, that is, a contract regarding the construction, reconstruction, demolition, installation, repair or renovation of equipment or of an infrastructure, including site preparation, excavation, drilling, seismic investigation and, if included in and incidental to a construction contract, the supply of products, materials and machinery;

(3) a services contract, that is, a contract for supplying services that may include the supply of parts or materials required to supply the services; and

(4) a partnership contract, that is, a contract entered into for the purposes of an equipment or infrastructure project for which a municipal body brings in an enterprise to participate in designing and building the equipment or infrastructure and to exercise other responsibilities related to the equipment or infrastructure such as its financing, maintenance or operation, and that involves a collaborative approach during or after the awarding procedure.

It also applies to

(1) a leasing contract, which is considered to be a supply contract;

(2) an insurance contract, which is considered to be a services contract; and

(3) a mixed contract for construction work and professional services under which a municipal body brings in an enterprise to participate in designing and building equipment or an infrastructure using a collaborative approach during or after the awarding procedure as well as any contract determined by a regulation of the Minister under which a municipal body brings in an enterprise to participate in designing or building equipment or an infrastructure where the contract involves a collaborative approach specified by the regulation, which are considered to be partnership contracts.

"**12.** For the purposes of this Title,

(1) an expenditure includes the value of any renewal and of any option provided for by the contract; and

(2) a collaborative approach may, in particular, include holding bilateral workshops in the presence of a process auditor, pooling resources and information related to the equipment or infrastructure project as well as consensually sharing risks and, as applicable, savings generated or gains made and losses sustained during the term of the contract, while achieving the quality required.

"**DIVISION II**

"INTEGRITY OF ENTERPRISES

"**13.** The provisions of Chapter V.1 and sections 25.0.2 to 25.0.5 of the Act respecting contracting by public bodies (chapter C-65.1) apply, with the necessary modifications, to the contracts of municipal bodies and to the subcontracts directly or indirectly related to those contracts.

For the purposes of those provisions, except those of section 21.48.17, the Minister exercises the responsibilities conferred on the Conseil du trésor or its Chair.

"**DIVISION III**

"MANDATES FOR THE PURPOSES OF AWARDING CONTRACTS

"**14.** A municipal body may entrust another municipal body, the Union des municipalités du Québec or the Fédération québécoise des municipalités locales et régionales (FQM) with a mandate to award a contract.

Where the object of the mandate is the improvement of the energy efficiency of equipment or infrastructure, the contract may include the financing, by the enterprise or a third person, of the required goods, work or services, provided that the total amount that the municipal body undertakes to pay for the improvement does not exceed the amount of savings that the municipal body achieves through the improvement.

For the purposes of this Title, the total amount of the expenditures of all the parties to the contract constitutes the expenditure under the contract and the applicable by-law on contract management is the by-law of the mandatary.

"**15.** The carrying out of a mandate referred to in section 14 may be delegated, by agreement, to the Centre d'acquisitions gouvernementales or, as applicable, to the Minister of Cybersecurity and Digital Technology or to another minister who is not required to call on the Centre's services or on those of the Minister of Cybersecurity and Digital Technology.

The provisions of this Title do not apply to the awarding of a contract that an agreement referred to in the first paragraph concerns where that contract involves acquisitions made or conditions of acquisition negotiated by the Centre d'acquisitions gouvernementales or by a minister in accordance with the Act respecting contracting by public bodies (chapter C-65.1).

"**16.** The carrying out of a mandate referred to in section 14 may be delegated, by agreement, to a non-profit organization whose principal activity consists in managing the joint procurement of property or of services for public bodies within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) or for non-profit organizations.

The Minister may, on the conditions the Minister determines, exempt the awarding of a contract that an agreement referred to in the first paragraph concerns from the application of all or part of this Title.

"**17.** A municipal body may award a contract jointly with a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), a municipal body that is not a public body within the meaning of that Act, a public utility, a non-profit organization or the owner of a mobile home park. In such a case, one of the parties must be entrusted, by the other parties, with the mandate to award the contract.

For the purposes of this Title, the total amount of the expenditures of all the parties to the contract constitutes the expenditure under the contract and the applicable by-law on contract management is the by-law determined by the municipal body from among the by-laws of the parties.

The provisions of this Title do not apply if the contract is awarded jointly in accordance with the Act respecting contracting by public bodies (chapter C-65.1).

The Municipal Aid Prohibition Act (chapter I-15) does not apply if the contract is awarded jointly with the owner of a mobile home park.

"**CHAPTER II**

"STEPS PRIOR TO A CONTRACT AWARDING PROCEDURE

"**DIVISION I**

"EVALUATION OF PROCUREMENT REQUIREMENTS AND OBJECT OF CONTRACT

"**18.** Before initiating a procedure to award a contract, a municipal body must conduct a serious evaluation of its procurement requirements. That evaluation must be documented if the contract involves an expenditure equal to or greater than $25,000, except in the case of a contract awarded in accordance with subparagraph 1 of the first paragraph of section 33.

That evaluation may, in particular, be geared toward the pursuit of sustainable development within the meaning of the Sustainable Development Act (chapter D-8.1.1).

"**19.** The object of a contract may not be divided so as to allow the awarding of several contracts having similar subject matter, unless the division is warranted on grounds of sound administration or the contract is for professional services necessary for the purposes of a proceeding before a tribunal, or a body or person exercising judicial or adjudicative functions.

"**DIVISION II**

"ESTIMATE

"**20.** The price of any contract involving an expenditure equal to or above the threshold determined for the purposes of section 29 must be the subject of an estimate established by the municipal body prior to the publication or transmission of the tender documents or prior to the awarding of the contract, whichever occurs first.

"**DIVISION III**

"CALL FOR EXPRESSIONS OF INTEREST

"**21.** A municipal body may issue a call for expressions of interest by publishing, on the electronic tendering system, a document that specifies the information the body seeks to collect in connection with a public procurement contract.

"**DIVISION IV**

"PROCESS FOR CERTIFICATION OR QUALIFICATION

"**22.** A municipal body may establish a process for the certification of goods or the qualification of enterprises by publishing, on the electronic tendering system, a document that includes

(1) the name of the municipal body;

(2) the criteria and terms applicable to the granting of the certification or qualification;

(3) the period of validity of the list of certified goods or qualified enterprises and the means used to renew or cancel the list or, if no period of validity is specified, an indication of the method used to inform all interested persons of the time as of which that list will no longer be used; and

(4) a mention indicating that an intergovernmental agreement applies to the contract, if applicable.

A regulation of the Minister prescribes the cases in which and the conditions on which such a process may discriminate on the basis of territory.

Sections 40 and 41 apply, with the necessary modifications, to the definition of the criteria applicable to the granting of the certification or qualification.

"**23.** The document referred to in the first paragraph of section 22 is to remain published on the electronic tendering system throughout the period of validity of the certifications list or qualifications list.

Once a year, the municipal body publishes on the electronic tendering system a notice inviting other enterprises to apply for the certification of goods or the qualification of their enterprise.

"**24.** An enterprise may, at any time, apply for the certification of goods or for its qualification, in which case the municipal body evaluates the application within a reasonable time.

"**25.** Where an enterprise qualification process is established, the evaluation of the applications for qualification is entrusted to a selection committee. Sections 55 and 56 apply, with the necessary modifications, to the forming of the committee and to the evaluation of applications.

"**26.** Where an enterprise qualification process is established for awarding a single contract using an overall criteria evaluation system involving discussions and negotiations, it may provide that qualification will be granted to a maximum number of enterprises, which may not be less than three.

"**CHAPTER III**

"CONTRACT AWARDING PROCEDURES

"**27.** A contract may be awarded

(1) on the basis of the tender with the lowest proposed price;

(2) by means of a request for a quotation addressed to qualified enterprises;

(3) using an overall criteria evaluation system;

(4) using a system in which knowledge of the price is deferred;

(5) in the case of a partnership contract, using a system adapted to the equipment or infrastructure project;

(6) in the case of an engineering, architecture or design services contract, following a competition;

(7) by written invitation; or

(8) by mutual agreement.

For the purposes of this Act, an open procedure is a contract awarding procedure referred to in any of subparagraphs 1 to 6 of the first paragraph.

"**28.** Every contract must be awarded for a fixed or unit price, except in the case of a contract awarded using an overall criteria evaluation system involving discussions and negotiations or a system adapted to the equipment or infrastructure project.

"**29.** Any contract involving an expenditure equal to or above the threshold determined by a regulation of the Minister must be awarded according to an open procedure.

"**30.** Any contract involving an expenditure equal to or greater than $25,000 but below the threshold determined for the purposes of section 29 is awarded according to a procedure by written invitation.

"**31.** A contract for professional services that must be awarded according to an open procedure or a procedure by written invitation, in accordance with section 29 or 30, must so be awarded by means of a request for a quotation addressed to qualified enterprises, using an overall criteria evaluation system or a system in which knowledge of the price is deferred, or following an engineering, architecture or design competition.

"**32.** A partnership contract that must be awarded according to an open procedure or a procedure by written invitation, in accordance with section 29 or 30, must so be awarded using an overall criteria evaluation system involving discussions and negotiations or a system adapted to the equipment or infrastructure project.

"**33.** Despite sections 29 and 30, a contract may be awarded by written invitation or by mutual agreement in any of the following cases:

(1) if there is an emergency that threatens human safety or property or, insofar as the contract is awarded by a municipal body that offers public transportation services, those services could be seriously disrupted;

(2) if the contract can only be awarded to a single enterprise because of the existence of a guarantee, an ownership right or an exclusive right such as a copyright or a right based on an exclusive licence or patent, or because of the artistic, heritage or museological value of the required property or service;

(3) if the contract involves confidential or protected information and it is reasonable to believe that disclosure of the information, in the context of an open procedure, could compromise its confidential nature or otherwise hinder the public interest;

(4) if a municipal body considers that it will be able to prove, in accordance with the principles set out in the second paragraph of section 1 and in section 2, that an open procedure would not serve the public interest given the object of the contract concerned; or

(5) in any other case, to any enterprise or to any category of enterprises and on the conditions determined by government regulation.

In the cases described in subparagraph 1 of the first paragraph, the contract may be awarded by the mayor, by the warden or by the chair of the municipal body. In the case of a metropolitan community or a public transit authority, the director general of the body may also award such a contract if the chair of the body is absent or unable to act. The person who awards the contract may also authorize any expenditure the person deems necessary in connection with that contract.

The person who awards a contract under the second paragraph must table a substantiated report at the first sitting of the body's council or meeting of the body's board that follows the awarding of the contract or the authorization of the expenditure.

In the cases described in subparagraphs 2 to 4 of the first paragraph, the contract must, if not awarded by the council or board of the municipal body, be authorized by the council or board.

"**34.** The municipal body must, at least 15 days before awarding a contract by mutual agreement under subparagraph 4 of the first paragraph of section 33, publish on the electronic tendering system a notice of intention allowing any enterprise to express its interest in carrying out the contract. The notice of intention must, among other things, specify or include

(1) the name of the enterprise to which the municipal body intends to award the contract by mutual agreement;

(2) a detailed description of the municipal body's procurement requirements and of the obligations provided for by the contract;

(3) the projected contract date;

(4) the reasons invoked by the municipal body for awarding the contract by mutual agreement under subparagraph 4 of the first paragraph of section 33; and

(5) the address at which and the deadline by which an enterprise may express interest electronically and demonstrate that it is capable of carrying out the contract according to the procurement requirements and obligations stated in the notice of intention, that deadline being five days before the projected contract date.

"**35.** If an enterprise has expressed interest in accordance with subparagraph 5 of the first paragraph of section 34, the municipal body must, at least seven days before the projected contract date, electronically send the enterprise its decision as to whether or not it still intends to award the contract by mutual agreement. If that seven-day period cannot be complied with, the projected contract date must be deferred by the number of days needed to ensure compliance with that minimum period.

The municipal body must also inform the enterprise of its right to file a complaint under section 38 of the Act respecting the Autorité des marchés publics (chapter A-33.2.1) within three days after receiving the decision.

If no enterprise has expressed interest by the deadline under subparagraph 5 of the first paragraph of section 34, the municipal body may enter into the contract before the projected contract date specified in the notice of intention.

"**36.** A contract may, provided it is awarded in accordance with the Act respecting contracting by public bodies (chapter C-65.1), be exempted from the application of all or part of this Title in the cases and on the conditions determined by government regulation.

"**37.** Despite sections 29 and 30, the Minister may, on the conditions the Minister determines, allow a municipal body to award, according to a procedure by written invitation or by mutual agreement, a contract that would otherwise be subject to an open procedure or to a procedure by written invitation.

"**CHAPTER IV**

"OPEN PROCEDURES

"**DIVISION I**

"TENDER DOCUMENTS

"**38.** The awarding of a contract according to an open procedure is preceded by the publication of a notice on the electronic tendering system. That notice forms part of the tender documents, which must also be published on the system.

The notice must include

(1) the name of the municipal body;

(2) the object of the contract to be awarded, its term or the timetable for delivery of the goods, services or work and, as applicable, any contemplated renewal or option;

(3) the procedure for awarding the contract;

(4) the tender evaluation criteria and methods for evaluating tenders, unless they are indicated in the other tender documents;

(5) the closing date and time and the place for receiving tenders;

(6) the date, time and place at which tenders will be opened, unless they are provided for in the other tender documents;

(7) the rules applicable in case of a tie between tenders, unless they are provided for in the other tender documents;

(8) an indication that the municipal body does not undertake to accept any of the tenders received; and

(9) an indication that an intergovernmental agreement applies to the contract, if applicable.

A notice of publication must also be published in a newspaper circulated in the municipal body's territory or in a publication specializing in the field, circulated in Québec. The notice must include the name of the municipal body, a summary description of the contract's object, the closing date and time and

the place for receiving tenders, and specify that the tender documents and the amendments to those documents may be obtained only on the electronic tendering system.

"**39.** The tender documents may, in particular, provide

(1) that tenders may be submitted on the electronic tendering system;

(2) in the cases and on the conditions determined by a regulation of the Minister,

(*a*) evaluation criteria that discriminate on the basis of territory; and

(*b*) limits to the territory from which the tenders originate;

(3) that the goods or tenderers that the open procedure concerns must first be certified or qualified in accordance with Division IV of Chapter II;

(4) that a tenderer must first be certified, qualified or registered by an organization accredited by the Standards Council of Canada;

(5) that a premium in the form of a preferential margin not exceeding 10% of the proposed price will be granted;

(6) that, in the cases and on the conditions determined by a regulation of the Minister, will be taken into consideration for the purpose of determining the selected tenderer, in addition to the price proposed in each of the tenders, the additional costs to be assumed by the municipal body;

(7) that a price adjustment clause setting out the reference price and the method to be used for calculating the adjustments, in particular the intervals at which the adjustments are to be made, will be included in the contract; and

(8) the possibility of rejecting any tender from an enterprise that, in the two years prior to the tender closing date, has been, in accordance with Division IV of Chapter VII, the subject of an unsatisfactory performance assessment in connection with a contract awarded by the municipal body, has failed to follow up on a tender or contract or has had a contract cancelled for failure to comply with the contract's conditions.

A criterion mentioned in subparagraph 3 of the first paragraph cannot be applied if only one enterprise offers the certified goods or has been qualified.

"**40.** Any evaluation criterion, requirement or preferential margin provided for in the tender documents must be related to the object of the contract to be awarded.

In particular, the evaluation criteria, requirements and preferential margins that pertain to goods, services or construction work in any way and at any stage in their life cycle, including the research, development, production,

commercialization, delivery, distribution, use, maintenance and end-of-life stages, are related to the object of the contract, even where such evaluation criteria, requirements or preferential margins do not pertain to one of their inherent characteristics.

"**41.** Any technical specification required by the municipal body must, subject to the second paragraph, be described in the tender documents in terms of performance and functional requirements rather than in terms of design or descriptive characteristics and be based, if applicable, on international standards or, in the absence of such standards, on other recognized standards.

If a technical specification cannot be described in terms of performance and functional requirements, the documents must provide that any equivalency to the design or descriptive characteristics described in the documents will be considered compliant and the documents may define how equivalency to such characteristics will be evaluated.

Technical specifications of goods, services or work include, in particular, their physical or, as applicable, professional characteristics and attributes.

"**42.** Where the tender documents provide that the contract is to be awarded using an overall criteria evaluation system, they must describe the methods for the weighting of the evaluation criteria. The price must be an evaluation criterion, unless the object of the contract to be awarded is the improvement of the energy efficiency of equipment or infrastructure, in which case a criterion related to the projected energy savings may replace the price criterion.

In addition, the tender documents may provide that the awarding of the contract is to be preceded by discussions and negotiations. In such a case, they must include

(1) the terms and conditions for holding the discussions following the evaluation of the preliminary tenders, and those applicable to the time period allotted for holding them;

(2) the identity of the person responsible for the discussions and negotiations for the municipal body, who cannot be a member of the council or board or of the selection committee, or the secretary of the latter;

(3) provisions allowing the municipal body to ensure compliance at all times with the rules applicable to it, in particular with respect to access to the documents of public bodies and the protection of personal information; and

(4) if applicable, a statement indicating that the municipal body has been authorized by the Minister, under section 61, to pay financial compensation to each tenderer, other than the tenderer to whom the contract is awarded.

Subparagraphs 5 and 6 of the second paragraph of section 38 apply only to the receipt and opening of preliminary tenders.

"**43.** Where the tender documents provide that the contract is to be awarded using a system in which knowledge of the price is deferred, they must include

(1) in respect of each criterion used to evaluate tenders, the maximum score that may be assigned, which may not exceed 30 points out of a maximum of 100 points;

(2) the methods for the weighting and evaluation of tenders based on those criteria; and

(3) an indication that the price of the tender must be presented in a document that is separate from the rest of the tender documents so that section 70 may apply.

The tender documents may provide a minimum score that must be assigned with respect to any of the criteria, failing which the tender is rejected.

"**44.** Where the tender documents provide that a partnership contract is to be awarded using a system adapted to the equipment or infrastructure project, they must include

(1) the terms applicable to the awarding procedure, including the various stages and the selected collaborative approach;

(2) provisions allowing the municipal body to ensure compliance at all times with the rules applicable to it, in particular with respect to access to the documents of public bodies and the protection of personal information, and to meet the accountability requirements;

(3) rules pertaining to situations of conflict of interest;

(4) if the selected collaborative approach includes sharing risks, savings generated or gains made and losses sustained, a statement indicating that the terms and conditions of the sharing will be agreed upon by the parties and specified in the partnership contract; and

(5) if applicable, a statement indicating that the municipal body has been authorized by the Minister, under section 76, to pay financial compensation to each selected enterprise other than the one to which the contract is awarded.

"**45.** A regulation of the Minister sets the minimum time periods for the receipt of tenders by a municipal body.

"**46.** Any amendment to the tender documents must be published on the electronic tendering system and may be obtained only on that system.

Any person having requested a copy of a tender document is informed of that publication by way of the system. The amendment must indicate whether it derives from a recommendation of the Autorité des marchés publics and must

present the manner in which a complaint under Title IV of this Act or under section 40 of the Act respecting the Autorité des marchés publics (chapter A-33.2.1) is to be filed.

If an amendment that could affect the price of the tenders is published less than seven days before the closing date for the receipt of tenders indicated in the tender documents, the closing date for the receipt of tenders is extended by the number of days needed to ensure a seven-day period between the publication of the amendment and the receipt of tenders.

"**DIVISION II**

"RECEIPT AND OPENING OF TENDERS

"**47.** Tenders may be submitted in paper form or, if the tender documents so provide, on the electronic tendering system.

"**48.** The municipal body and the enterprise operating the electronic tendering system may not, before the opening of tenders, disclose any information that may be used to determine the number or the identity of the tenderers or of persons who have requested a copy of a document related to the open procedure.

Despite the first paragraph,

(1) the enterprise operating the electronic tendering system may communicate information that may be used to determine the identity of a person who has requested a copy of such a document if that person expressly authorizes the enterprise to disclose that information; and

(2) the municipal body may, in the context of an open procedure for the awarding of a partnership contract, communicate information that may be used to identify an enterprise that is participating in the procedure if that enterprise has expressly authorized the municipal body to disclose that information.

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

"**49.** Tenders are opened publicly in the presence of at least two witnesses. The names of the tenderers and the price proposed in each of the tenders must be disclosed aloud at that time.

If the integrity of a tender submitted on the electronic tendering system could not be ascertained by the municipal body at the time of its opening,

(1) a notice of default is sent to the tenderer and the latter must, on pain of rejection of the tender, remedy the default by submitting within two working days a tender whose integrity is ascertained by the body; and

(2) the disclosure of the proposed prices under the first paragraph is replaced by a publication on the electronic tendering system within four working days after the opening of tenders.

"**DIVISION III**

"AWARDING OF A CONTRACT ON THE BASIS OF THE TENDER WITH THE LOWEST PROPOSED PRICE

"**50.** Where the tender documents provide that the contract is to be awarded to the tenderer having submitted the compliant tender with the lowest proposed price, the contract is awarded to the latter or, with the Minister's authorization, to another tenderer having submitted a compliant tender.

"**DIVISION IV**

"AWARDING OF A CONTRACT BY MEANS OF A REQUEST FOR A QUOTATION ADDRESSED TO QUALIFIED ENTERPRISES

"**51.** A municipal body may provide, in a process for the qualification of enterprises, that a contract may be awarded by means of a request for a quotation addressed to qualified enterprises.

In such a case, and despite section 38, the awarding of the contract is preceded by the transmission to the qualified enterprises, on the electronic tendering system, of a notice containing the information provided for in subparagraphs 2, 3 and 5 to 7 of the second paragraph of that section.

"**52.** Despite the second and third paragraphs of section 46, only qualified enterprises are informed of the publication of an amendment to the tender documents on the electronic tendering system. If an amendment could affect the tendered prices, the closing date for the receipt of tenders is extended by as many days as the number of days between the date of transmission of the notice referred to in the second paragraph of section 51 and the closing date for the receipt of tenders indicated in that notice or, if there are more than seven days between those two dates, by seven days.

"**53.** Despite the first paragraph of section 49, the tenders are opened only in the presence of one witness.

The contract is to be awarded to the tenderer having submitted the compliant tender with the lowest proposed price.

"**DIVISION V**

"AWARDING OF A CONTRACT USING AN OVERALL CRITERIA EVALUATION SYSTEM

"§1. — *General provisions*

"**54.** Where the tender documents provide that the contract is to be awarded using an overall criteria evaluation system, the contract is awarded to the tenderer having submitted the compliant tender that has obtained the highest score in the single evaluation carried out either in accordance with section 56 or, if the tender documents provide that the awarding of the contract is to be preceded by individual discussions with each of the tenderers, in accordance with section 60.

"**55.** A selection committee composed of at least three members who are not members of the municipal body's council or board is formed to evaluate the tenders. The committee is assisted by a secretary who coordinates the committee's work.

The selection committee's members and secretary are designated by any public officer or employee empowered to do so by a by-law of the body. That by-law may prescribe any condition applicable to those designations and to the exercise of the designated persons' functions.

Despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), the body may not disclose information that may be used to identify a person as being a member of a selection committee.

"§2. — *Single evaluation*

"**56.** An evaluation of each tender is carried out individually by each of the committee members, after which the committee meets to successively evaluate each tender and assign it a score. The assigned score corresponds to the sum of the points assigned by the committee for each of the evaluation criteria.

"§3. — *Evaluation involving discussions and negotiations*

"**57.** Where the tender documents provide that the awarding of a contract is to be preceded by discussions and negotiations, preliminary tenders and final tenders are presented.

"**58.** Despite the first paragraph of section 49, the preliminary tenders are opened only in the presence of the selection committee's secretary. The person responsible for the discussions and negotiations holds individual discussions with each of the tenderers to further define the technical or financial aspects of the project.

"**59.** After the discussions have been held, a call for final tenders which takes those discussions into account and includes the information set out in subparagraphs 5 and 6 of the second paragraph of section 38 is sent to the tenderers and published on the electronic tendering system.

"**60.** Section 56 and the first sentence of section 58 apply, with the necessary modifications, to the opening and evaluation of the final tenders. Negotiations may then be started by the person responsible for discussions and negotiations with the tenderer who obtained the highest score during the evaluation of the final tenders.

"**61.** The Minister may, on the conditions the Minister determines, authorize the municipal body to pay a financial compensation to each tenderer having submitted a compliant final tender, other than the one to whom the contract is awarded.

"**62.** Any provision required in order to bring the parties to enter into a contract may, provided it conserves the basic elements of the tender documents, of the call for final tenders and of the tender, be negotiated between the person responsible for the discussions and negotiations and the tenderer who obtained the highest score during the evaluation of the final tenders.

"**63.** Once the negotiations have been held, a report on the discussions and negotiations is produced by the person responsible for them and a tender evaluation report is produced by the secretary of the selection committee.

The report on the discussions and negotiations specifies the dates and topics of the discussions and negotiations, and certifies that they were carried out in compliance with the applicable provisions and that all tenderers were treated equally.

The tender evaluation report indicates the name of each tenderer, the price proposed in their tender and the number of points assigned to the tender for each of the evaluation criteria. It also certifies that the other stages related to the awarding procedure were carried out in compliance with the applicable provisions and that all tenderers were treated equally.

"**64.** The contract may not be awarded until the reports referred to in section 63 have been tabled before the council or board of the municipal body.

The disclosure prohibition provided for in the first paragraph of section 48 applies until the date on which the reports are tabled.

"**65.** The Municipal Works Act (chapter T-14) does not apply to works carried out under a partnership contract awarded in accordance with this division.

"**DIVISION VI**

"AWARDING OF A CONTRACT USING A SYSTEM IN WHICH KNOWLEDGE OF THE PRICE IS DEFERRED

"**66.** Where the tender documents provide that the contract is to be awarded using a system in which knowledge of the price is deferred, tenders are evaluated on the basis of a minimum of four criteria. The interim score thus obtained is then weighted on the basis of the proposed price. The contract is awarded to the tenderer having submitted the tender that obtained, in accordance with section 72, the highest final score.

"**67.** The municipal body must, before publishing the tender documents, determine a factor, varying between 0 and 50, to be used to weight the interim score in light of the price of the tenders. That factor is disclosed by the body only after the opening of tenders.

Despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no one may have access to that factor before the opening of tenders.

"**68.** Despite the first paragraph of section 49, the proposed price in each of the tenders is not disclosed at the opening of tenders.

"**69.** A selection committee is formed in accordance with section 55.

"**70.** A preliminary evaluation of each tender is carried out individually by each of the committee members, after which the committee meets to successively evaluate each tender and assign it an interim score out of a maximum number of 100 points. The assigned interim score corresponds to the sum of the points assigned by the committee for each of the evaluation criteria.

No committee member may, while the evaluations are being carried out, know the price proposed in the tenders.

"**71.** Any tender that failed to obtain a minimum interim score of 70 points or for which one of the evaluation criteria did not obtain the minimum score indicated in the tender documents is rejected.

Sendings that contain the price proposed in rejected tenders and that were received on the electronic tendering system are destroyed without being consulted and those received in paper form are returned to the enterprise unopened. Sendings containing the price proposed in accepted tenders are opened by the selection committee.

"**72.** The selection committee determines the final score of a selected tender by dividing, by the tender's proposed price, the product obtained by multiplying by 10,000 the interim score increased by the factor varying between 0 and 50.

"**DIVISION VII**

"AWARDING OF A PARTNERSHIP CONTRACT USING A SYSTEM ADAPTED TO THE EQUIPMENT OR INFRASTRUCTURE PROJECT

"**73.** A partnership contract may, with the Minister's authorization and on the conditions the Minister determines, be awarded in accordance with this division.

"**74.** The open procedure may involve various stages established according to the complexity of the project, the selected collaborative approach and the number of potentially interested enterprises. The stages of the call for tenders must be defined in the tender documents but may be adapted with the consent of the majority of the enterprises having a stake in the subsequent stages.

"**75.** Subject to the conditions of the open procedure and in accordance with its express provisions concerning how it may be amended, a municipal body may,

(1) after the first stage of the selection process and at any subsequent stage, undertake discussions with the selected enterprise or each of the selected enterprises to further define the technical, financial or contractual aspects of the project and, if applicable, give each of them the opportunity to submit a tender for that stage and provide for a procedure for opening the tenders which differs from that provided for in section 49; and

(2) during and at the end of the selection process, negotiate, with the selected enterprise or enterprises, as applicable, the provisions needed to finalize the contract while preserving the basic elements of the tender documents and the tender.

In the context of the discussions referred to in subparagraph 1 of the first paragraph, a selected enterprise may involve another enterprise with which it intends to enter into, or has already entered into, a contract that will be linked to the partnership contract covered by the awarding procedure, if it deems that the expertise and knowledge of that other enterprise would help achieve the project's objectives.

"**76.** The Minister may, on the conditions the Minister determines, authorize the municipal body to pay financial compensation to each selected enterprise, other than the one to whom the contract is awarded.

"**77.** A contract awarded in accordance with this division must set out a procedure for the settlement of disputes arising from the contract as well as an obligation for the enterprise to send the municipal body any information or document it requests in connection with the contract.

"**78.** The Municipal Works Act (chapter T-14) does not apply to works carried out under a contract awarded in accordance with this division.

Section 29.3 of the Cities and Towns Act (chapter C-19) and article 14.1 of the Municipal Code of Québec (chapter C-27.1) do not apply to the by-laws and resolutions authorizing a municipality or an intermunicipal board to enter into such a contract.

"**DIVISION VIII**

"AWARDING OF AN ENGINEERING, ARCHITECTURE OR DESIGN SERVICES CONTRACT FOLLOWING A COMPETITION

"**79.** A contract for engineering, architecture or design services may be awarded to the winner of a competition held in accordance with a government regulation. The regulation may prescribe the rules for holding the competition, including rules for forming the jury, and for the awarding and management of the contract. The regulation may also prescribe rules for publishing the competition results.

For the purposes of this Act, "design" includes any professional discipline that aims to ensure the functional or aesthetic design of goods so as to improve the human environment.

"**CHAPTER V**

"PROCEDURES BY WRITTEN INVITATION

"**80.** The awarding of a contract according to a procedure by written invitation is preceded by the transmission, to at least two enterprises, of an invitation to tender that contains the tender documents.

"**81.** Tenders are submitted on a medium specified in the tender documents.

"**82.** No information that may be used to determine the number or identity of the tenderers may be disclosed by the municipal body before the opening of tenders.

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

"**83.** The provisions of Chapter IV, except for those of sections 38 and 41, the first and second paragraphs of section 46, sections 47 and 48 and the first sentence of section 52, apply, with the necessary modifications, to the awarding of a contract by written invitation. Furthermore, the content required under the second paragraph of section 38 must be included in the tender documents.

"**CHAPTER VI**

"PROVISIONS REGARDING CERTAIN CATEGORIES OF CONTRACTS

"**84.** Tender documents published with a view to awarding a delivery order contract must indicate

(1) an estimate of the goods, services or work that could be acquired or provided or, failing that, the approximate value of the contract; and

(2) in the case of a contract that allows any selected enterprise to replace goods offered by equivalent goods or to reduce their price, the procedure applicable to make such amendments as well as the mechanism to be used to inform the other selected enterprises of the amendments, if applicable.

For the purposes of this Act, a delivery order contract is a construction, supply or services contract entered into with one enterprise or more, whose object is to fulfil recurrent procurement requirements when the quantity of goods, services or work, or the rate or frequency at which they are acquired or provided are uncertain.

"**85.** A delivery order contract may be entered into with several enterprises only if that option is disclosed in the tender documents. The term of a delivery order contract for construction, including any renewal of such a contract, may not exceed five years.

When such a contract is entered into, the orders are awarded to the enterprise that proposed the lowest price or obtained the highest score, as applicable, unless the enterprise cannot fill the orders, in which case the other enterprises are solicited according to their respective rank.

Where an enterprise has refused to fill multiple orders awarded to it, the municipal body may change the enterprise's rank or cease to solicit it for subsequent orders. The tender documents must provide for such a possibility and prescribe its duration as well as indicate the number of refusals giving rise to that possibility.

"**86.** A leasing contract may be entered into with a lessor who is not the selected tenderer if that option is disclosed in the tender documents published with a view to awarding a supply contract. In such a case, the selected tenderer must enter into a contract with the lessor in respect of the property according to the awarding conditions mentioned in the written notice the municipal body sends to the selected tenderer to inform the latter of that choice.

"**87.** A contract may provide conditions, in particular as regards tariffs, according to which the transport of bulk material must, in whole or in part, be carried out by small bulk trucking enterprises subscribing to the brokerage service of an association holding a brokerage permit issued under the Transport Act (chapter T-12).

"**88.** The premium for an insurance contract awarded according to an open procedure or a procedure by written invitation and containing a renewal option may be modified at the time of renewal if the tender documents establish the terms and conditions for determining the premium.

"**89.** The Government may authorize a municipal body to award a contract related to a public transit infrastructure using an overall criteria evaluation system that provides for any of the following adaptations:

(1) the knowledge and evaluation of the price are deferred;

(2) only the prices of the tenders with a minimum score for the other criteria are evaluated;

(3) discussions with the enterprises that have previously been qualified are held after the publication of the tender documents;

(4) the submission of preliminary tenders is not required;

(5) where all the tenderers have submitted a compliant tender and each of the tenders proposes a price that is higher than the estimate established by the municipal body, the body may negotiate with each of the tenderers individually any provision required to bring the parties to enter into a contract while preserving the fundamental elements of the tender documents, the call for final tenders and the tender; or

(6) the payment, on the conditions the Government establishes, of a financial compensation to any enterprise that is qualified and, if the contract is awarded, that is not the selected tenderer, where the process is established solely to award a single contract.

The Government may establish the conditions under which the Minister may authorize a municipal body to pay the financial compensation provided for in subparagraph 6 of the first paragraph. It may also confer on the Minister the power to establish the conditions under which the Minister may authorize a municipal body to pay that compensation.

This section applies despite any inconsistent provision in Division V of Chapter IV.

"**CHAPTER VII**

"MISCELLANEOUS PROVISIONS

"**DIVISION I**

"TENDERS WHOSE PRICE IS ABNORMALLY LOW

"**90.** The price of a tender is abnormally low if a serious and documented analysis made by the municipal body shows that the price submitted would not allow the enterprise to carry out the contract according to the conditions in the tender documents without jeopardizing the performance of the contract.

"**91.** Where a municipal body notes that a tender's price seems abnormally low, it requests that the enterprise explain in writing, within five days after the request is sent, the reasons justifying that price.

If the enterprise does not provide explanations within the time prescribed in the first paragraph or if, despite the explanations provided, the municipal body still considers the price to be abnormally low, the municipal body analyses the price of the enterprise's tender taking into account the following elements:

(1) the difference between the price submitted and the municipal body's estimate;

(2) the difference between the price submitted and that submitted by the other enterprises having submitted a compliant tender;

(3) the difference between the price submitted and the price that the municipal body or another municipal body has paid for a similar contract, taking into account the economic context; and

(4) the representations made by the enterprise concerning the presence of particular elements having an influence on the price submitted.

"**92.** An analysis report is produced by the municipal body.

If the municipal body concludes that the price submitted is abnormally low, a copy of the analysis report is transmitted to the enterprise. The latter is to be given at least 10 days from that transmission to submit its comments in writing.

"**93.** After examining the comments, if applicable, the municipal body decides whether or not to maintain the conclusions of its report.

If the municipal body maintains the conclusions of its report, it must reject the tender not later than before the expiry of the tenders' period of validity.

"**DIVISION II**

"NEGOTIATION OF THE PRICE

"**94.** A municipal body may, if it receives only one compliant tender by the end of an open procedure or procedure by written invitation, agree with the tenderer to enter into the contract for a price that is less than the price proposed in the tender without, however, changing the other obligations.

"**DIVISION III**

"AMENDMENT TO AN AWARDED CONTRACT

"**95.** A contract may be amended only if the amendment is an accessory to the contract and does not change its nature.

"**DIVISION IV**

"PERFORMANCE ASSESSMENT

"**96.** A municipal body may assess an enterprise whose performance is deemed unsatisfactory. The assessment must be carried out by a person designated by the council or board of the municipal body.

"**97.** The municipal body must transmit the assessment to the enterprise concerned not later than 60 days after the end of the contract and grant it at least 30 days from that transmission to submit its comments in writing.

"**98.** Within 60 days after receiving the enterprise's comments, or after the expiry of the period granted to the enterprise to submit comments, whichever occurs first, the municipal body must decide whether or not to maintain the assessment and must inform the enterprise of the decision.

If the municipal body fails to do so within the prescribed time, the enterprise's performance is considered satisfactory.

"**DIVISION V**

"PUBLICATION OF INFORMATION

"**99.** Every municipal body must publish on the electronic tendering system a list of the contracts it has entered into and that involve an expenditure equal to or greater than $25,000.

The list must contain the following information in respect of each contract that is not a partnership contract:

(1) its object, the amount of the expenditure, the awarding procedure used, the name of the enterprise with which it was entered into and the date on which the contract was entered into;

(2) if the contract involves an expenditure equal to or above the threshold determined for the purposes of section 29, the price estimated by the municipal body before the publication of the tender documents;

(3) once the contract has been performed, the total amount paid over the entire term of the contract;

(4) if the contract was awarded according to an open procedure or a procedure by written invitation other than a procedure by means of a request for a quotation addressed to qualified enterprises, the name and the price proposed by each tenderer as well as any tender that was deemed non-compliant and whose proposed price was lower or assigned score was higher, as applicable, than that of the selected tender;

(5) if the contract was awarded according to a procedure by written invitation or by mutual agreement, the provision in the Act or the regulation pursuant to which the contract could be awarded according to that procedure and, in the case of a contract awarded under subparagraph 4 of the first paragraph of section 33, the reasons invoked by the body and the date of publication of the notice of intent provided for in section 34; and

(6) in the case of a delivery order contract entered into with several enterprises, the name of each enterprise and the price they proposed.

The list must contain, within the time specified, the following information in respect of each partnership contract:

(1) within 72 days after the date on which the contract is entered into, the name of the enterprise with which it is entered into, the contract's object and the initial amount or estimated amount of the expenditure, as applicable, or, if neither of those amounts is known at that time, within 72 days after the date on which such an amount is determined in the course of the contract;

(2) within 120 days after an amendment to the contract involving an additional expenditure in excess of 10% of the initial amount, a description of the amendment and the amount of that expenditure;

(3) within 120 days after taking delivery of the equipment or infrastructure built under a contract that confers the operation or maintenance of the equipment or infrastructure on the enterprise, the total amount paid for its construction; and

(4) within 120 days after the end of the contract, the total amount paid over the entire term of the contract.

However, a municipal body is not required to publish the information mentioned in the second and third paragraphs for a contract awarded under subparagraph 3 of the first paragraph of section 33.

The information regarding the contracts is updated at least once a month and remains published for a minimum period of three years following the date of publication of the total amount of the expenditure incurred.

The municipal body publishes on its website a hyperlink to the list.

"**100.** Every municipal body must publish on its website, not later than 31 March of each year, a list of the contracts involving an expenditure equal to or greater than $5,000 awarded during the preceding fiscal year to the same enterprise if the aggregate of the contracts involves an expenditure equal to or greater than $25,000. The list must indicate, for each contract, the object of the contract, the amount of the expenditure and the name of the enterprise with which the contract was entered into.

"**DIVISION VI**

"PAYMENTS AND DISPUTE SETTLEMENT WITH REGARD TO CONSTRUCTION WORK

"§1. — *Preliminary provisions*

"**101.** The purpose of this division is to ensure prompt payment of sums of money claimed by enterprises that take part in carrying out construction work on behalf of municipal bodies.

A further purpose of this division is to allow prompt settlement of disputes that may arise between such enterprises, or between such enterprises and such bodies.

"**102.** Any clause that has the effect of excluding the application of one or more of the provisions of this division is absolutely null.

The same applies to a clause that has the effect of excluding the application of one or more of the provisions of a regulation made under this division, unless otherwise provided by that regulation.

"§2. — *Payments*

"**103.** Any request for payment of a sum of money an enterprise considers is owed to it in connection with a construction contract or a related subcontract must be made in compliance with the terms and conditions determined by government regulation, such as the requirement to include in the request the contractor's name and address, a description of the work, the period during which the work was carried out and the sum of money to be paid.

A request for payment so made is hereinafter called a "valid request for payment".

A government regulation determines the municipal bodies or categories of municipal bodies that are subject to this subdivision as well as any category of contract or subcontract covered by this subdivision.

"**104.** A debtor is deemed not to have defaulted on payment of a sum of money claimed from the debtor if no valid request for payment of the sum has been made.

That presumption lapses once such a request for payment is received.

"**105.** If a debtor considers that the debtor is not required to pay all or part of a sum of money claimed by means of a valid request for payment, the debtor must express refusal to pay within the time determined by government regulation and in compliance with any other terms and conditions determined by such a regulation, such as a requirement to include a description of the work covered by the refusal as well as the grounds justifying it and the sum of money corresponding to the refusal.

"**106.** A debtor is required to pay, within the time determined by government regulation, any sum of money payment of which has been claimed by means of a valid request for payment and which the debtor has not refused to pay in accordance with section 105. Such a payment obligation is binding on the debtor even if the debtor has not claimed payment of the sum from the debtor's own debtor.

Despite the first paragraph, a debtor may, in the cases and on the terms and conditions determined by government regulation, make a withholding or deduction from a sum of money payable.

The mere lapse of the time determined under the first paragraph has the effect of causing the debtor concerned to be in default of payment.

"**107.** A sum of money for which a debtor is in default of payment under section 106 bears interest at the rate determined by government regulation.

"§3. — *Dispute settlement*

"**108.** Any party to a dispute determined by government regulation, such as a dispute that could affect the payment of a sum of money that a party owes to another party, may, on the conditions prescribed by that regulation, require that the dispute be decided by a third-person decider.

In such a case, the other party to the dispute is required to participate in the selection of a third-person decider and in the dispute settlement process before that third person; failing such participation, that selection or process may, in accordance with the rules determined by government regulation, be made or take place without the participation of that other party.

The disputes that may be submitted to a third-person decider under this section may, among other things, be determined according to their subject matter, or according to the municipal body or category of municipal bodies that awarded the contract, the category of contracts or subcontracts from which they arise, or any characteristic of those contracts or subcontracts, such as the manner in which the contract or subcontract is to be carried out.

"**109.** The decision rendered by a third-person decider is binding on the parties until, as applicable, a judgment by a court of general jurisdiction is made or an arbitration award is rendered on the same subject matter.

The parties to the dispute must comply with the decision so rendered on the terms and conditions indicated in the decision. Furthermore, the party that is required, under such a decision, to pay a sum of money must do so within the time determined by government regulation.

A sum that is unpaid at the expiry of the time limit bears interest at the rate determined by government regulation.

A payment of a sum of money made in order to comply with a decision rendered by a third-person decider does not constitute an acknowledgement of debt, either as to its existence or as to its amount, nor does it constitute a waiver of the right to claim its total or partial reimbursement through legal proceedings or arbitration.

"**110.** In a case of failure by the debtor to comply with a decision rendered by a third-person decider within the time determined under the second paragraph of section 109, the creditor may file a copy of the decision with the office of the competent court to obtain its forced execution. However, such filing may only be made from the expiry of the time limit prescribed in the second paragraph of section 111 to apply for the annulment of the decision of the third-person decider or, if such an application has been made, from the date on which a court decision confirming the validity of the decision of the third-person decider becomes final. In the latter case, a copy of the court decision must be attached to the decision of the third-person decider.

Such forced execution is effected in accordance with the rules set out in the Code of Civil Procedure (chapter C-25.01), subject, as applicable, to the rules determined by government regulation.

"**111.** A party may apply to the court for the annulment of a decision rendered by a third-person decider for any of the following reasons:

(1) a party did not have the capacity to participate in the dispute settlement process before the third-person decider;

(2) the dispute arises from a contract or subcontract that is not valid;

(3) the decision pertains to a dispute that could not be submitted to a third-person decider, or it contains a conclusion completely unrelated to the subject matter of the dispute submitted to the third-person decider;

(4) the dispute settlement process was conducted by a person who was not certified to act as a third-person decider;

(5) the rules applicable to the selection of a third-person decider were not observed; or

(6) the rules applicable to the dispute settlement process before the third-person decider were not complied with, and such non-compliance was prejudicial to the fairness of the process.

An application for annulment must be made before the Court of Québec or the Superior Court, according to their respective jurisdiction to rule on the subject matter of the dispute submitted to the third-person decider, within 30 days after receipt of the decision whose annulment is applied for. This time limit is a strict time limit.

An application for annulment does not stay the execution of the decision, unless the court orders otherwise.

If the court annuls the decision of a third-person decider in whole or in part, it may order a party to reimburse the other party all or part of the sums of money paid by the latter as part of the execution of the decision.

"**112.** The Minister of Justice designates the persons, bodies or associations responsible for certifying the persons who may act as third-person deciders.

Only persons certified to act as third-person deciders may act as such.

"**113.** No legal proceedings may be brought against a third-person decider for acts performed in the exercise of their functions, unless they acted in bad faith or committed an intentional or gross fault.

Nor may such a third person be compelled, in a judicial proceeding or a proceeding before a person or body exercising adjudicative functions, to make a deposition on information obtained in the exercise of the third person's functions or to produce a document containing such information.

"§4. — *Miscellaneous provisions*

"**114.** In addition to the other regulatory powers provided for in this division, the Government may, by regulation,

(1) exclude from the application of all or part of the provisions of subdivision 2 requests for payment based on certain grounds for claims;

(2) make the municipal bodies and the enterprises that are party to those contracts which it determines subject to all or part of the provisions of subdivision 2, provided that those contracts be related to contracts or subcontracts covered by that subdivision;

(3) determine, for the purposes of the provisions of subdivision 3, the rules relating to the dispute settlement process before a third-person decider, including the selection of the third person and the latter's duties, obligations, functions and powers within the scope of such a process, and the rules relating to the decision rendered at the end of such a process and to the payment, by the parties to a dispute submitted to such a third person, of the latter's fees and expenses and those of the witnesses, experts or any other person involved in the process; and

(4) determine any other rule necessary for the application of this division or for the purposes sought by the Government regulation, including, where applicable, rules relating to the effects and the end of the suretyship.

"**TITLE IV**

"COMPLAINTS

"**CHAPTER I**

"GENERAL PROVISIONS

"**115.** Every municipal body must provide equitable resolution of complaints filed with it in the course of the awarding of a contract or of a certification or qualification process. It must, for that purpose, establish a procedure for receiving and examining the complaints and publish it on its website.

To be admissible, a complaint must be sent electronically to the person responsible identified in the procedure.

"**CHAPTER II**

"PROVISIONS SPECIFIC TO OPEN PROCEDURES AND TO CERTIFICATION AND QUALIFICATION PROCESSES

"**116.** If a complaint concerns an ongoing open procedure, except a contract awarding procedure by means of a request for a quotation addressed to qualified enterprises, or an ongoing certification or qualification process, only an enterprise or a group of enterprises interested in participating in the procedure or process, or their representative, may file a complaint about the procedure or process on the grounds that the tender documents or the document referred to in the first paragraph of section 22 contain conditions that do not ensure the honest and fair treatment of enterprises, are otherwise not compliant with the municipal body's normative framework or do not allow enterprises to compete although they are qualified to meet the stated procurement requirements or offer certified goods.

Any complaint that concerns an open procedure must be filed on the form determined by the Autorité des marchés publics under section 45 of the Act respecting the Autorité des marchés publics (chapter A-33.2.1).

"**117.** A complaint must be filed with the body not later than the complaint filing deadline published on the electronic tendering system. The complaint may pertain only to the content of the documents available on the electronic tendering system not later than two days before that deadline.

The complainant must, without delay, send a copy of the complaint to the Autorité des marchés publics for information purposes.

"**118.** The complaint filing deadline is determined, subject to the second paragraph, by adding to the date on which the documents were published a period corresponding to half the time for receiving tenders but which may not be less than 10 days.

The municipal body must ensure that there is a period of at least four working days between the tender closing date and the complaint filing deadline.

Any amendment that is made to the documents before the complaint filing deadline and that modifies the tender closing date defers the complaint filing deadline by a period corresponding to half the number of days by which the tender submission period has been extended.

Any amendment made three days or less before the tender closing date results in a minimum three-day deferral of that date. However, the deferral must be such as to ensure that the day preceding the new tender closing date is a working day.

"**119.** On receiving a first complaint, the municipal body must, without delay, make an entry to that effect on the electronic tendering system after having ascertained the complainant's interest.

"**120.** The municipal body must send its decision electronically to the complainant after the complaint filing deadline but not later than three days before the tender closing date. If necessary, the municipal body must defer the tender closing date.

The body must, if applicable, inform the complainant of the complainant's right to file a complaint under section 37 of the Act respecting the Autorité des marchés publics (chapter A-33.2.1) within three days after receiving the decision.

"**121.** If the body has received two or more complaints about the same open procedure or same process, it must send both or all of its decisions at the same time.

"**122.** The body must, without delay, make an entry on the electronic tendering system in respect of every decision it sends.

"**123.** The body must defer the tender closing date by the number of days needed to allow a minimum period of seven days to remain from the date its decision is sent.

If, two days before the tender closing date, the body has not indicated on the electronic tendering system that it has sent its decision on a complaint, the system operator must, without delay, defer the tender closing date by four days. If the deferred date falls on a holiday, it must again be deferred to the second next working day. In addition, if the day preceding the deferred date is not a working day, that date must be deferred to the next working day.

"**124.** For the purposes of this chapter, Saturday is considered a holiday, as are 2 January and 26 December.

"**TITLE V**

"SANCTIONS

"**CHAPTER I**

"PENAL SANCTIONS

"**125.** Every person who makes a false or misleading statement in the course of a contract awarding procedure or in the course of the performance of such a contract is liable to a fine of $5,000 to $30,000 in the case of a natural person and $15,000 to $100,000 in any other case.

"**126.** Every person who, before a contract is awarded, communicates or attempts to communicate, directly or indirectly, with a member of a selection committee or jury for the purpose of influencing the member in respect of an open procedure is liable to a fine of $5,000 to $30,000 in the case of a natural person and $15,000 to $100,000 in any other case.

The first paragraph does not apply where a person is presenting their tender to a jury formed to determine the winner of a competition.

"**127.** A member of a selection committee or jury who discloses or makes known, without being duly authorized to do so, any confidential information that is sent to the member or that came to the member's knowledge in the exercise of the member's functions within the committee or jury is liable to a fine of $5,000 to $30,000.

"**128.** An enterprise that makes a false or misleading request for payment to a municipal body for an amount that includes an amount to which the enterprise is not entitled is liable to a fine of $5,000 to $30,000 in the case of a natural person and $15,000 to $100,000 in any other case.

"**129.** Every person who contravenes a provision of a regulation whose contravention constitutes an offence under subparagraph 3 of the first paragraph of section 136 is liable to a fine of $5,000 to $30,000 in the case of a natural person and $15,000 to $100,000 in any other case.

"**130.** Every person who helps or, by encouragement, advice, consent, authorization or command, induces another person to commit an offence under any of sections 125 to 129 is guilty of the same offence.

"**131.** For a subsequent offence, the minimum and maximum fines prescribed in this chapter are doubled.

"**132.** Penal proceedings must be instituted within three years after the time the prosecutor became aware of the commission of the offence. However, no proceedings may be instituted if more than seven years have elapsed since the date of the offence.

"**133.** The provisions of Division I of Chapter VIII.2 of the Act respecting contracting by public bodies (chapter C-65.1), except sections 27.6, 27.10.1, 27.10.2, 27.11 and 27.12 of that Act, apply, with the necessary modifications, to the contracts of municipal bodies and to the subcontracts directly or indirectly related to those contracts.

"**134.** A municipality or a metropolitan community may institute penal proceedings for an offence under a provision of this Act or the regulations that was committed in its territory.

The first and second paragraphs of section 84 of the Act respecting municipal courts (chapter C-72.01) apply, with the necessary modifications, to proceedings instituted under the first paragraph.

"**CHAPTER II**

"MONETARY ADMINISTRATIVE PENALTIES

"**135.** The provisions of Division II of Chapter VIII.2 of the Act respecting contracting by public bodies (chapter C-65.1) apply, with the necessary modifications, to the contracts of municipal bodies and to the subcontracts directly or indirectly related to those contracts.

"**TITLE VI**

"REGULATORY POWERS

"**136.** The Government may make regulations to

(1) determine any authorization, condition or rule relating to the awarding of contracts, in addition to those prescribed by this Act, to which a contract of a municipal body is subject;

(2) determine the documents relating to compliance with certain Acts and regulations that a person interested in entering into a contract with a municipal body or into a subcontract related to such a contract must hold, and the cases, conditions and manner in or on which they are to be obtained, held and filed; and

(3) determine the regulatory provisions made under this section the violation of which constitutes an offence.

The Minister of Revenue is responsible for the administration and carrying out of the regulatory provisions made under subparagraphs 2 and 3 of the first paragraph if so provided in the regulation. To that end, the Tax Administration Act (chapter A-6.002) applies, with the necessary modifications.

Any employee of the Commission de la construction du Québec, the Commission des normes, de l'équité, de la santé et de la sécurité du travail or the Régie du bâtiment du Québec authorized by the Minister of Revenue may exercise the functions and powers of the Minister relating to the administration and carrying out of the regulatory provisions referred to in the second paragraph.

"**137.** A regulation of the Government may

(1) determine the standards with which the persons, bodies and associations designated by the Minister of Justice under section 112 must comply;

(2) establish the conditions a person must satisfy to be certified to act as a third-person decider for the purposes of subdivision 3 of Division VI of Chapter VII of Title III and determine the standards with which such a third person must comply in the exercise of their functions, as well as the sanctions applicable for non-compliance; and

(3) establish rules concerning the fees and other expenses that the parties to a dispute may be required to pay when the dispute is submitted to a third-person decider under subdivision 3 of Division VI of Chapter VII of Title III.

"**TITLE VII**

"AMENDING PROVISIONS

"ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

"**138.** Section 145.28 of the Act respecting land use planning and development (chapter A-19.1) is amended by replacing "Sections 573 and 573.1 of the Cities and Towns Act (chapter C-19) and articles 935 and 936 of the Municipal Code of Québec (chapter C-27.1) do not apply" by "Title III of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1), except section 13 of that Act, does not apply".

"ACT RESPECTING THE AUTORITÉ DES MARCHÉS PUBLICS

"**139.** Section 20 of the Act respecting the Autorité des marchés publics (chapter A-33.2.1) is amended by replacing subparagraph 3 of the first paragraph by the following subparagraph:

"(3) "municipal body" means a body subject to the Act respecting contracting by municipal bodies (2025, chapter 4, section 1), a Northern village, the Kativik Regional Government or a mixed enterprise company;".

"**140.** Section 68 of the Act is amended by replacing "in section 573.3.5 of the Cities and Towns Act (chapter C-19)" in the introductory clause of subparagraph 3 of the second paragraph by "in the first paragraph of section 4 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1)".

"ACT RESPECTING THE AUTORITÉ RÉGIONALE DE TRANSPORT MÉTROPOLITAIN

"**141.** Section 14 of the Act respecting the Autorité régionale de transport métropolitain (chapter A-33.3) is repealed.

"CHARTER OF VILLE DE GATINEAU

"**142.** Section 22 of the Charter of Ville de Gatineau (chapter C-11.1) is amended by replacing "exceeding $100,000" in the first paragraph by "equal to or above the threshold determined for the purposes of section 29 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1)".

"**143.** Section 50 of the Charter is amended by replacing "573 and 573.1 of the Cities and Towns Act (chapter C-19)" by "29 and 30 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1)".

"**144.** Sections 6.2 and 24 of Schedule B to the Charter are repealed.

"CHARTER OF VILLE DE LONGUEUIL

"**145.** Section 33 of the Charter of Ville de Longueuil (chapter C-11.3) is amended by replacing "exceeding $100,000" in the first paragraph by "equal to or above the threshold determined for the purposes of section 29 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1)".

"**146.** Section 60.1 of the Charter is amended by replacing the second, third and fourth paragraphs by the following paragraph:

"The provisions of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1) apply to the legal person created under the first paragraph, and the chief auditor of the city shall audit its accounts and business."

"**147.** Section 11 of Schedule C to the Charter is repealed.

"CHARTER OF VILLE DE MONTRÉAL, METROPOLIS OF QUÉBEC

"**148.** Section 33 of the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4) is amended by replacing "involving an expenditure that does not exceed $100,000" in the second paragraph by "that does not involve an expenditure equal to or above the threshold determined for the purposes of section 29 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1)".

"**149.** Section 34.1 of the Charter is amended by replacing "awarding, after a call for tenders" in paragraph 1 by "awarding, according to an open procedure".

"**150.** The Charter is amended by inserting the following section after section 57.1.12:

"**57.1.12.1.** The functions provided for in Title IV of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1) may not be assumed by the inspector general."

"**151.** Section 2 of Schedule C to the Charter is amended by replacing "sections 216.1 and 217 apply" in the fifth paragraph by "section 217 apply".

"**152.** Section 133 of Schedule C to the Charter is amended by replacing "shall not be subject to sections 573 and 573.1 of the Cities and Towns Act (chapter C-19), but they shall be addressed to the treasurer. The treasurer, on behalf of the city, shall make the sale" in the second paragraph of subparagraph 3 of the first paragraph by "shall be addressed to the treasurer who, on behalf of the city, shall make the sale".

"**153.** The heading of Division IV of Chapter III of Schedule C to the Charter is amended by replacing "AWARD" by "AWARDING".

"**154.** Section 199 of Schedule C to the Charter is replaced by the following section:

"**199.** The powers conferred on the mayor by the second paragraph of section 33 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1) may be exercised by a borough mayor.

Where the mayor is absent or unable to act, the chair of the executive committee or, if the latter is also absent or unable to act, the director general may exercise those powers."

"**155.** Sections 201 and 216.1 of Schedule C to the Charter are repealed.

"**156.** Section 217 of Schedule C to the Charter is replaced by the following section:

"**217.** The provisions of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1) and section 199 of this Schedule apply, with the necessary modifications, to the commission."

"**157.** Section 231.1 and 231.15 of Schedule C to the Charter are repealed.

"CHARTER OF VILLE DE QUÉBEC, NATIONAL CAPITAL OF QUÉBEC

"**158.** Section 31 of the Charter of Ville de Québec, national capital of Québec (chapter C-11.5) is amended by replacing "involving an expenditure that does not exceed $100,000" in the first paragraph by "that does not involve an expenditure equal to or above the threshold determined for the purposes of section 29 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1)".

"**159.** Section 80 of the Charter is amended by replacing "the fourth paragraph of subsection 1 of section 573 of the Cities and Towns Act (chapter C-19)" by "section 28 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1)".

"**160.** Section 81 of the Charter is amended by replacing "in conformity with section 573 or 573.1 of the Cities and Towns Act (chapter C-19)" by "in accordance with the Act respecting contracting by municipal bodies (2025, chapter 4, section 1)".

"**161.** Section 19 of Schedule C to the Charter is amended by replacing "of more than $100,000" by "equal to or above the threshold determined for the purposes of section 29 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1)".

"**162.** Section 41 of Schedule C to the Charter is repealed.

"**163.** Section 43 of Schedule C to the Charter is replaced by the following sections:

"**43.** The city may entrust a person or a body mentioned in the first paragraph of section 15 or the first paragraph of section 16 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1) with the mandate to award a contract.

The second paragraph of section 15 or the second paragraph of section 16 of that Act, as the case may be, applies, with the necessary modifications, to a contract awarded under a mandate referred to in the first paragraph.

"**43.1.** The carrying out of a mandate referred to in section 17 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1) to which the city is a party may be delegated, by agreement, to a person or a body mentioned in the first paragraph of section 15 of that Act.

The second paragraph of section 15 of that Act applies, with the necessary modifications, to a contract awarded under an agreement referred to in the first paragraph."

"**164.** Section 61 of Schedule C to the Charter is amended by striking out the sixth and seventh paragraphs.

"CITIES AND TOWNS ACT

"**165.** Section 29.3 of the Cities and Towns Act (chapter C-19) is replaced by the following section:

"**29.3.** Every by-law or resolution that authorizes a municipality to enter into a contract under which the municipality makes a financial commitment and from which arises, either explicitly or implicitly, an obligation for the other contracting party to build, enlarge or substantially modify equipment or an infrastructure used for municipal purposes must, on pain of nullity, be submitted to the approval of the qualified voters according to the procedure provided for loan by-laws.

The first paragraph does not apply to a by-law or resolution that authorizes entering into a construction contract, another contract whose object is the improvement of the energy efficiency of equipment or infrastructure and whose financing is entrusted to the other contracting party or to a third person in accordance with the first paragraph of section 16.2 of the Municipal Powers Act (chapter C-47.1), or an intermunicipal agreement."

"**166.** Sections 29.9.1 and 29.9.2 of the Act are repealed.

"**167.** Section 107.7 of the Act is amended

(1) by replacing "573.3.5" in the introductory clause of subparagraph 3 of the first paragraph by "4 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1)";

(2) by replacing "in section 573.3.5" in the introductory clause of the second paragraph by "in the first paragraph of section 4 of the Act respecting contracting by municipal bodies".

"**168.** Section 108.2.0.1 of the Act is amended by replacing "573.3.5" in the introductory clause of the fourth paragraph by "4 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1)".

"**169.** Section 114.2 of the Act is amended by replacing the second paragraph by the following paragraph:

"However, the person in charge of access to documents may

(1) refuse for a reason provided for in sections 21 to 27 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) to give access to a document concerning a business corporation with which the municipality has entered into an agreement relating to the exercise of any of its powers and of which it is a shareholder; or

(2) refuse for a reason provided for in sections 28 to 29 of that Act to give access to a document concerning a contract awarded under subparagraph 3 of the first paragraph of section 33 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1)."

"**170.** Section 116.0.1 of the Act is amended

(1) by replacing "573.3.1.2" in the fourth paragraph by "7 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1)";

(2) by striking out the fifth paragraph.

"**171.** Section 346.1 of the Act is amended by replacing "an advertisement provided for in subsection 1 of section 573, or a notice provided for" in the third paragraph by "in the third paragraph of section 38 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1) or".

"**172.** Section 464 of the Act is amended by replacing "The rules governing the awarding of contracts by a municipality apply" and "573.3.1.2" in the third paragraph of subparagraph 10.1 of the first paragraph by "The provisions of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1) apply" and "7 of that Act", respectively.

"**173.** Section 465.10.1 of the Act is repealed.

"**174.** Section 468.31 of the Act is amended by adding the following paragraph at the end:

"However, the person in charge of access to documents may refuse for a reason provided for in sections 28 to 29 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) to give access to a document concerning a contract awarded under subparagraph 3 of the first paragraph of section 33 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1)."

"**175.** The Act is amended by inserting the following section after section 468.36:

"**468.36.1.** If the management board owns fractions representing at least one-third of the relative value of all the fractions of a divided co-ownership, the board of directors of the syndicate of that co-ownership must include a director appointed by the management board.

If the management board owns fractions representing at least one-half of the relative value of all the fractions of a divided co-ownership, the budget of that co-ownership must be approved by the management board. If the budget has not been approved by the first day of the fiscal year for which it was prepared, it must be presented at the first meeting of the board of directors that follows. In such a case, the amounts required for the maintenance and preservation of the immovable until that meeting is held may be incurred by the syndicate of co-owners before such approval.

The provisions of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1) apply, with the necessary modifications, to a divided co-ownership referred to in the second paragraph."

"**176.** Section 468.51 of the Act is amended

(1) in the first paragraph,

(*a*) by striking out "29.9.1, 29.9.2," and "477.4 to 477.6,";

(*b*) by replacing "573.3.4" by "572.0.7";

(2) by striking out the third paragraph.

"**177.** The Act is amended by inserting the following section after section 469.4:

"**469.5.** The provisions of this subdivision do not apply to a mandate referred to in either of sections 14 and 17 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1)."

"**178.** The Act is amended by inserting the following section after section 474.7:

"**474.8.** If a municipality owns fractions representing at least one-third of the relative value of all the fractions of a divided co-ownership, the board of directors of the syndicate of that co-ownership must include a director appointed by the municipality.

If a municipality owns fractions representing at least one-half of the relative value of all the fractions of a divided co-ownership, the budget of the co-ownership must be approved by the municipality. If the budget has not been approved by the first day of the fiscal year for which it was prepared, it must be presented at the first sitting of the council that follows. In such a case, the amounts required for the maintenance and preservation of the immovable until that sitting is held may be incurred by the syndicate of co-owners before such approval."

"**179.** Section 477.2 of the Act is amended by replacing "awarding a contract to a person other than the person who made the lowest tender" in the third paragraph by "awarding a contract, under section 50 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1), to a tenderer other than the tenderer who submitted the compliant tender with the lowest proposed price".

"**180.** Sections 477.3 to 477.6 of the Act are repealed.

"**181.** Section 544.1 of the Act is amended by adding the following paragraph at the end:

"This section does not apply where the loan is reserved for the repayment to the general fund of all or part of the sums expended under a contract awarded in accordance with subparagraph 1 of the first paragraph of section 33 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1) or subparagraph 6 of the first paragraph of section 23 of the Act respecting civil protection to promote disaster resilience (chapter S-2.4)."

"**182.** Sections 572.1 to 573.3.3.6 of the Act are repealed.

"**183.** Section 573.3.4 of the Act is amended

(1) by replacing "subsection 3.1 of section 573 or who knowingly, by his or her vote or otherwise, authorizes or effects the awarding or making of a contract without complying with the rules or measures set out or provided for in the preceding sections of this subdivision, in a regulation made under any of sections 573.3.0.1, 573.3.0.2 and 573.3.1.1 or in the policy adopted under section 573.3.1.2" in the first paragraph by "section 48 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1) or who knowingly, by his or her vote or otherwise, authorizes or effects the awarding of a contract without complying with the rules or measures set out or provided for by that Act or a regulation made under it";

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

"This section applies, with the necessary modifications, to any body that is subject to the Act respecting contracting by municipal bodies, with the exception of a body referred to in article 938.4 of the Municipal Code of Québec (chapter C-27.1), section 118.2 of the Act respecting the Communauté

métropolitaine de Montréal (chapter C-37.01), section 111.2 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02) or section 108.2 of the Act respecting public transit authorities (chapter S-30.01).”

“**184.** Sections 573.3.5 and 573.4 of the Act are repealed.

“MUNICIPAL CODE OF QUÉBEC

“**185.** Article 14.1 of the Municipal Code of Québec (chapter C-27.1) is replaced by the following article:

“**14.1.** Every by-law or resolution that authorizes a municipality to enter into a contract under which the municipality makes a financial commitment and from which arises, either explicitly or implicitly, an obligation for the other contracting party to build, enlarge or substantially modify equipment or an infrastructure used for municipal purposes must, on pain of nullity, be submitted to the approval of the qualified voters according to the procedure provided for loan by-laws.

The first paragraph does not apply to a by-law or resolution that authorizes entering into a construction contract, another contract whose object is the improvement of the energy efficiency of equipment or infrastructure and whose financing is entrusted to the other contracting party or to a third person in accordance with the first paragraph of section 16.2 of the Municipal Powers Act (chapter C-47.1), or an intermunicipal agreement.”

“**186.** Articles 14.7.1 and 14.7.2 of the Code are repealed.

“**187.** Article 124 of the Code is amended by replacing “the awarding of a contract the amount of which exceeds $25,000” in the second paragraph by “the awarding of a contract the amount of which is equal to or above one-third of the threshold determined for the purposes of section 29 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1)”.

“**188.** Article 209 of the Code is amended by replacing the second paragraph by the following paragraph:

“However, the person in charge of access to documents may

(1) refuse for a reason provided for in sections 21 to 27 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) to give access to a document concerning a business corporation with which the municipality has entered into an agreement relating to the exercise of any of its powers and of which it is a shareholder; or

(2) refuse for a reason provided for in sections 28 to 29 of that Act to give access to a document concerning a contract awarded under subparagraph 3 of the first paragraph of section 33 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1).”

"**189.** Article 269.1 of the Code is amended

(1) by replacing "938.1.2" in the fourth paragraph by "7 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1)";

(2) by striking out the fifth paragraph.

"**190.** Article 437.1 of the Code is amended by replacing "to an advertisement provided for in subarticle 1 of article 935, a document provided for in article 1027, or a notice provided for in" in the third paragraph by "to the document provided for in article 1027, to the notice provided for in the third paragraph of section 38 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1) or to".

"**191.** Article 600 of the Code is amended by adding the following paragraph at the end:

"However, the person in charge of access to documents may refuse for a reason provided for in sections 28 to 29 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) to give access to a document concerning a contract awarded under subparagraph 3 of the first paragraph of section 33 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1)."

"**192.** The Code is amended by inserting the following article after article 605:

"**605.1.** If the management board owns fractions representing at least one-third of the relative value of all the fractions of a divided co-ownership, the board of directors of the syndicate of that co-ownership must include a director appointed by the management board.

If the management board owns fractions representing at least one-half of the relative value of all the fractions of a divided co-ownership, the budget of that co-ownership must be approved by the management board. If the budget has not been approved by the first day of the fiscal year for which it was prepared, it must be presented at the first meeting of the board of directors that follows. In such a case, the amounts required for the maintenance and preservation of the immovable until that meeting is held may be incurred by the syndicate of co-owners before such approval.

The provisions of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1) apply, with the necessary modifications, to a divided co-ownership referred to in the second paragraph."

"**193.** Article 620 of the Code is amended

(1) in the first paragraph,

(*a*) by striking out "29.9.1, 29.9.2," and "477.4 to 477.6,";

(*b*) by replacing "573.3.4" by "572.0.7";

(2) by striking out the third paragraph.

"**194.** The Code is amended by inserting the following article after article 624.3:

"**624.4.** The provisions of this division do not apply to a mandate referred to in either of sections 14 and 17 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1)."

"**195.** Article 711.0.1 of the Code is amended by replacing "The rules governing the awarding of contracts by a municipality apply" and "article 938.1.2" in the third paragraph by "The Act respecting contracting by municipal bodies (2025, chapter 4, section 1) applies" and "section 7 of that Act", respectively.

"**196.** Articles 711.11.1 and 934 to 938.3.6 of the Code are repealed.

"**197.** Article 938.4 of the Code is amended by replacing "subarticle 3.1 of article 935 or who knowingly, by his or her vote or otherwise, authorizes or effects the awarding or making of a contract without complying with the rules or measures set out or provided for in the preceding articles of this Title, in a regulation made under article 938.0.1, 938.0.2 or 938.1.1 or in the policy adopted under article 938.1.2" in the first paragraph by "section 48 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1) or who knowingly, by his or her vote or otherwise, authorizes or effects the awarding of a contract without complying with the rules or measures set out or provided for in that Act or a regulation made under it".

"**198.** Article 949 of the Code is amended by replacing "the notice is published, and the contract is awarded and entered into according to instructions from the board of delegates, and subject to articles 935, 936 and 938.0.2" in the first paragraph by "the contract is awarded, according to instructions from the board of delegates".

"**199.** The Code is amended by inserting the following article after article 957.4:

"**957.5.** If a municipality owns fractions representing at least one-third of the relative value of all the fractions of a divided co-ownership, the board of directors of the syndicate of that co-ownership must include a director appointed by the municipality.

If a municipality owns fractions representing at least one-half of the relative value of all the fractions of a divided co-ownership, the budget of that

co-ownership must be approved by the municipality. If the budget has not been approved by the first day of the fiscal year for which it was prepared, it must be presented at the first sitting of the council that follows. In such a case, the amounts required for the maintenance and preservation of the immovable until that sitting is held may be incurred by the syndicate of co-owners before such approval."

"**200.** Article 961.1 of the Code is amended by replacing "awarding a contract to a person other than the person who made the lowest tender" in the third paragraph by "awarding a contract, under section 50 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1), to a tenderer other than the tenderer who submitted the compliant tender with the lowest proposed price".

"**201.** Articles 961.2 to 961.4 of the Code are repealed.

"**202.** Article 966.2.1 of the Code is amended

(1) by replacing "573.3.5 of the Cities and Towns Act (chapter C-19)" in the introductory clause of subparagraph 3 of the first paragraph by "4 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1)";

(2) by replacing "573.3.5 of the Cities and Towns Act" in the introductory clause of the second paragraph by "4 of the Act respecting contracting by municipal bodies".

"**203.** Article 1063.1 of the Code is amended by adding the following paragraph at the end:

"This article does not apply where the loan is reserved for the repayment to the general fund of all or part of the sums expended under a contract awarded in accordance with subparagraph 1 of the first paragraph of section 33 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1) or subparagraph 6 of the first paragraph of section 23 of the Act respecting civil protection to promote disaster resilience (chapter S-2.4)."

"ACT RESPECTING THE COMMISSION MUNICIPALE

"**204.** Section 85 of the Act respecting the Commission municipale (chapter C-35) is amended, in subparagraph 5 of the first paragraph,

(1) by replacing "573.3.5 of the Cities and Towns Act (chapter C-19)" and "that Act" in the introductory clause by "4 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1)" and "the Cities and Towns Act (chapter C-19)", respectively;

(2) by replacing "573.3.5 of the Cities and Towns Act" in subparagraph *a* by "4 of the Act respecting contracting by municipal bodies".

"**205.** Section 86 of the Act is amended by replacing "in section 573.3.5 of the Cities and Towns Act" in the introductory clause of the fourth paragraph by "in the first paragraph of section 4 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1)".

"ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

"**206.** Section 47.1 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) is repealed.

"**207.** Section 95 of the Act is amended by adding the following paragraph at the end:

"However, the person in charge of access to documents may

(1) refuse for a reason provided for in sections 21 to 27 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) to give access to a document concerning a business corporation with which the Community has entered into an agreement relating to the exercise of any of its powers and of which it is a shareholder; or

(2) refuse for a reason provided for in sections 28 to 29 of that Act to give access to a document concerning a contract awarded under subparagraph 3 of the first paragraph of section 33 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1)."

"**208.** Sections 105.1 to 118.1.5 of the Act are repealed.

"**209.** Section 118.2 of the Act is amended by replacing "the eighth paragraph of section 108 or who knowingly, by his or her vote or otherwise, authorizes or effects the awarding or making of a contract without complying with the rules or measures set out or provided for in sections 106 to 118.1.2, in a regulation made under section 112.1, 112.2 or 113.1 or in the policy adopted under section 113.2" in the first paragraph by "section 48 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1) or who knowingly, by his or her vote or otherwise, authorizes or effects the awarding of a contract without complying with the rules or measures set out or provided for in that Act or a regulation made under it".

"ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

"**210.** Section 38.1 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02) is repealed.

"**211.** Section 89 of the Act is amended by adding the following paragraph at the end:

"However, the person in charge of access to documents may

(1) refuse for a reason provided for in sections 21 to 27 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) to give access to a document concerning a business corporation with which the Community has entered into an agreement relating to the exercise of any of its powers and of which it is a shareholder; or

(2) refuse for a reason provided for in sections 28 to 29 of that Act to give access to a document concerning a contract awarded under subparagraph 3 of the first paragraph of section 33 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1)."

"**212.** Sections 98.1 to 111.1.5 of the Act are repealed.

"**213.** Section 111.2 of the Act is amended by replacing "the eighth paragraph of section 101 or who knowingly, by his or her vote or otherwise, authorizes or effects the awarding or making of a contract without complying with the rules or measures set out or provided for in sections 99 to 111.1.2, in a regulation made under section 105.1, 105.2 or 106.1 or in the policy adopted under section 106.2" in the first paragraph by "section 48 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1) or who knowingly, by his or her vote or otherwise, authorizes or effects the awarding of a contract without complying with the rules or measures set out or provided for in that Act or a regulation made under it".

"**214.** Section 163 of the Act is amended, in the fourth paragraph,

(1) by striking out ", pursuant to section 101,";

(2) by replacing "to award a contract to a person other than the person who submitted the lowest tender" by "to award a contract, under section 50 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1), to a tenderer other than the tenderer who submitted the compliant tender with the lowest proposed price".

"MUNICIPAL POWERS ACT

"**215.** Section 17.3 of the Municipal Powers Act (chapter C-47.1) is replaced by the following section:

"**17.3.** The provisions of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1) apply, with the necessary modifications, to the operator of an enterprise referred to in section 17.1 if the enterprise is controlled by one or more local municipalities or regional county municipalities."

"**216.** Section 111.0.2 of the Act is replaced by the following section:

"**111.0.2.** The provisions of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1) apply, with the necessary modifications, to the operator of an enterprise referred to in section 111 if it is controlled by one or more regional county municipalities or local municipalities."

"**217.** Section 119 of the Act is replaced by the following section:

"**119.** The provisions of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1) apply, with the necessary modifications, to the person referred to in section 117."

"**218.** Section 126.4 of the Act is amended by replacing the fourth and fifth paragraphs by the following paragraph:

"The provisions of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1) apply, with the necessary modifications, to the delegate organization."

"ACT RESPECTING CONTRACTING BY PUBLIC BODIES

"**219.** Schedule I to the Act respecting contracting by public bodies (chapter C-65.1) is amended

(1) by striking out the portions relating to offences under the Cities and Towns Act (chapter C-19), the Municipal Code of Québec (chapter C-27.1), the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01), the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02) and the Act respecting public transit authorities (chapter S-30.01);

(2) by inserting the following in alphabetical order:

“

| | | |
|---|---|---|
| Act respecting contracting by municipal bodies (2025, chapter 4, section 1) | 125 | Making a false or misleading statement in the course of a contract awarding procedure or in the course of the performance of such a contract |
| | 126 | Communicating or attempting to communicate with a member of a selection committee or jury |
| | 127 | Disclosing or making known, without authorization, confidential information obtained in the course of a selection committee’s or jury’s proceedings |
| | 128 | Making a false or misleading request for payment |
| | 130 | Helping or inducing a person to commit an offence under sections 125 to 129 |

”.

“ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

“**220.** Section 70.1 of the Act respecting elections and referendums in municipalities (chapter E-2.2) is amended

(1) by replacing “subsections 1 to 8 of section 573, sections 573.1 to 573.1.0.4 and sections 573.3 to 573.3.2 of the Cities and Towns Act (chapter C-19)” in the first paragraph by “the provisions of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1)”;

(2) by replacing “contractors or two suppliers, as the case may be” in the second paragraph by “enterprises”.

“**221.** Section 305.0.1 of the Act is amended

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

"(2) the following actions have been carried out:

(*a*) in the case of a contract that must be awarded according to an open procedure under the Act respecting contracting by municipal bodies (2025, chapter 4, section 1), the municipality made a first call for tenders that did not enable it to select a tenderer, followed by a second call for tenders with conditions identical to those of the first and after which only the council member or the enterprise in which the council member has an interest submitted a compliant tender; and

(*b*) in other cases, the municipality, in the manner provided for in sections 34, 35 and 80 of that Act, called, in writing, for tenders from at least three enterprises and published a notice of intention, but those actions did not enable it to select a tenderer.";

(2) by replacing the fifth and sixth paragraphs by the following paragraphs:

"In the case of a contract referred to in subparagraph *a* of subparagraph 2 of the fourth paragraph, the council member or the enterprise in which the council member has an interest must not have submitted a tender during the first call for tenders and the member must in no way, during the second call for tenders, have participated in the awarding process for the contract or benefitted from preferential treatment compared to other potential tenderers.

In the case of a contract referred to in subparagraph *b* of subparagraph 2 of the fourth paragraph, the council member or the enterprise in which the council member has an interest must not have submitted a tender.";

(3) by replacing "573.3.1.2 of the Cities and Towns Act or article 938.1.2 of the Municipal Code of Québec" in the eighth paragraph by "7 of the Act respecting contracting by municipal bodies";

(4) by striking out the ninth paragraph.

"ACT RESPECTING THE MINISTÈRE DES AFFAIRES MUNICIPALES, DES RÉGIONS ET DE L'OCCUPATION DU TERRITOIRE

"**222.** Section 17.8 of the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1) is amended by replacing "the power granted to the Minister by any of sections 573.3.1 of the Cities and Towns Act (chapter C-19), article 938.1 of the Municipal Code of Québec (chapter C-27.1), section 113 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01), section 106 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02) and section 103 of the Act respecting public transit authorities (chapter S-30.01)" in the second paragraph by "the powers granted to the Minister by the second paragraph of section 16 and sections 37, 50 and 73 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1)".

"**223.** Section 21.12.1 of the Act is repealed.

"ACT RESPECTING LABOUR RELATIONS, VOCATIONAL TRAINING AND WORKFORCE MANAGEMENT IN THE CONSTRUCTION INDUSTRY

"**224.** Section 123.4.5 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20) is amended by replacing subparagraph 1 of the second paragraph by the following subparagraph:

"(1) "municipal body" means a municipal body within the meaning of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1), a northern village or the Kativik Regional Government;".

"ACT RESPECTING THE RÉSEAU DE TRANSPORT MÉTROPOLITAIN

"**225.** Section 8.4 of the Act respecting the Réseau de transport métropolitain (chapter R-25.01), enacted by section 9 of the Act enacting the Act respecting Mobilité Infra Québec and amending certain provisions relating to shared transportation (2024, chapter 40), is amended by replacing "section 9" in the first paragraph by "the provisions of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1)".

"**226.** Section 9 of the Act is amended by striking out the first paragraph.

"**227.** Section 10 of the Act is replaced by the following section:

"**10.** For the purpose of providing services to the Autorité régionale de transport métropolitain, the Network may provide services adapted to the needs of mobility impaired persons or enter into a contract for the provision of such services with any carrier, any owner of a qualified automobile within the meaning of paragraph 1 of section 9 of the Act respecting remunerated passenger transportation by automobile (chapter T-11.2), any operator of a transportation system authorized under that Act or any service association comprising such owners.

Where the services are intended for handicapped persons, a contract referred to in this section may, despite sections 29 and 30 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1), be awarded by mutual agreement. However, unless such services are provided by bus or minibus, only a taxi within the meaning of section 144 of the Act respecting remunerated passenger transportation by automobile may provide such services for the Network. In addition, the members of the Network's board of directors may unanimously request the enterprise registrar to constitute, by letters patent, a non-profit legal person having as its primary object the operation, on behalf

of the Network, of transportation services adapted to the needs of handicapped persons. The Network may also, if all the members consent thereto, enter into a contract with a non-profit legal person whose primary object is to provide transportation services adapted to the needs of handicapped persons.

At least one member of the Network sits on the board of directors of a legal person referred to in the second paragraph and the Network assumes any operating deficit."

"**228.** The Act is amended by inserting the following section after section 52:

"**52.1.** If the Network owns fractions representing at least one-third of the relative value of all the fractions of a divided co-ownership, the board of directors of the syndicate of that co-ownership must include a director appointed by the Network.

If the Network owns fractions representing at least one-half of the relative value of all the fractions of a divided co-ownership, the budget of that co-ownership must be approved by the Network. If the budget is not approved on the first day of the fiscal year for which it was prepared, it must be presented at the first meeting of the board of directors that follows. In such a case, the amounts required for the maintenance and preservation of the immovable until that meeting is held may be incurred by the syndicate of co-owners before such approval.

The provisions of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1) apply, with the necessary modifications, to a divided co-ownership referred to in the second paragraph."

"ACT RESPECTING MIXED ENTERPRISE COMPANIES IN THE MUNICIPAL SECTOR

"**229.** Section 30 of the Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01) is amended by replacing "Sections 573 and 573.1 of the Cities and Towns Act, articles 935 and 936 of the Municipal Code of Québec, sections 106 to 108 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01), sections 99 to 101 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02)" in the third paragraph by "The provisions of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1)".

"**230.** Section 41 of the Act is amended by striking out ", adapted as required" in the first paragraph.

"**231.** Section 41.1 of the Act is replaced by the following section:

"**41.1.** Despite sections 40 and 41, sections 13, 133 and 135 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1) apply to contracts of a mixed enterprise company and to subcontracts directly or

indirectly related to those contracts that involve an expenditure equal to or greater than the amount determined by the Government under section 21.17 of the Act respecting contracting by public bodies (chapter C-65.1) or for which an authorization is required under section 21.17.1 of that Act, with the necessary modifications.

The first paragraph also applies to any body that is similar to a mixed enterprise company and that is constituted under a private Act."

"**232.** Sections 41.2 to 41.6 of the Act are repealed.

"ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

"**233.** Section 89.1 of the Act respecting public transit authorities (chapter S-30.01) is amended by replacing the third paragraph by the following paragraph:

"The provisions of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1), section 3.11 of the Act respecting the Ministère du Conseil exécutif (chapter M-30) and section 23 of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1) apply to an organization constituted under the first paragraph, with the necessary modifications."

"**234.** Section 92.0.11 of the Act, enacted by section 42 of the Act enacting the Act respecting Mobilité Infra Québec and amending certain provisions relating to shared transportation (2024, chapter 40), is amended by replacing "sections 92.1 to 108.1" in the first paragraph by "the provisions of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1)".

"**235.** Sections 92.1 to 108.1.5 of the Act are repealed.

"**236.** Section 108.2 of the Act is amended by replacing "in the eighth paragraph of section 95 or who knowingly, by his or her vote or otherwise, authorizes or effects the awarding or making of a contract without complying with the rules or measures set out or provided for in sections 93 to 108.1.2, in a regulation made under section 100, 101 or 103.1 or in the policy adopted under section 103.2" in the first paragraph by "in section 48 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1) or who knowingly, by his or her vote or otherwise, authorizes or effects the awarding of a contract without complying with the rules or measures set out or provided for in that Act or a regulation made under it".

"**237.** The Act is amended by inserting the following section after section 122:

"**122.1.** If the transit authority owns fractions representing at least one-third of the relative value of all the fractions of a divided co-ownership, the board of directors of the syndicate of that co-ownership must include a director appointed by the transit authority.

If the transit authority owns fractions representing at least one-half of the relative value of all the fractions of a divided co-ownership, the budget of that co-ownership must be approved by the transit authority. If the budget has not been approved by the first day of the fiscal year for which it was prepared, it must be presented at the first meeting of the board of directors that follows. In such a case, the amounts required for the maintenance and preservation of the immovable until that meeting is held may be incurred by the syndicate of co-owners before such approval.

The provisions of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1) apply, with the necessary modifications, to a divided co-ownership referred to in the second paragraph."

"**238.** Section 262 of the Act is amended by replacing "92.1" by "108.2".

"MUNICIPAL WORKS ACT

"**239.** Section 1 of the Municipal Works Act (chapter T-14) is amended by replacing "article 937 of the Municipal Code (chapter C-27.1) and section 573.2 of the Cities and Towns Act (chapter C-19)" in the first paragraph by "paragraph 1 of the first paragraph of section 33 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1)".

"ACT RESPECTING VILLE DE LAVAL

"**240.** Section 13 of the Act respecting Ville de Laval (1994, chapter 56) is replaced by the following section:

"**13.** The provisions of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1), except to the extent that the Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01) provides for its application, and section 29.3 of the Cities and Towns Act (chapter C-19) do not apply to the concession contract referred to in section 3 nor to the company referred to in section 1.

The first paragraph applies despite the first paragraph of section 4 of the Act respecting contracting by municipal bodies."

"ACT RESPECTING VILLE DE SAINT-ROMUALD

"**241.** Section 15 of the Act respecting Ville de Saint-Romuald (1994, chapter 61) is replaced by the following section:

"**15.** The provisions of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1), except to the extent that the Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01) provides for its application, and section 29.3 of the Cities and Towns Act (chapter C-19) do not apply to the agreement referred to in section 3 nor to the company referred to in section 1.

The first paragraph applies despite the first paragraph of section 4 of the Act respecting contracting by municipal bodies."

"ACT RESPECTING THE MUNICIPALITÉ RÉGIONALE DE COMTÉ DU HAUT-RICHELIEU

"**242.** Section 16 of the Act respecting the Municipalité régionale de comté du Haut-Richelieu (1994, chapter 69) is replaced by the following section:

"**16.** The provisions of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1), except to the extent that the Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01) provides for its application, and article 14.1 of the Municipal Code of Québec (chapter C-27.1) do not apply to the agreement referred to in section 3 nor to the company referred to in section 1.

The first paragraph applies despite the first paragraph of section 4 of the Act respecting contracting by municipal bodies."

"ACT RESPECTING THE VILLAGE AND THE PARISH OF SAINT-ANSELME

"**243.** Section 15 of the Act respecting the village and the parish of Saint-Anselme (1995, chapter 84) is replaced by the following section:

"**15.** The provisions of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1), except to the extent that the Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01) provides for its application, and article 14.1 of the Municipal Code of Québec (chapter C-27.1) do not apply to the agreement referred to in section 3 nor to the company referred to in section 1.

The first paragraph applies despite the first paragraph of section 4 of the Act respecting contracting by municipal bodies."

"ACT RESPECTING MUNICIPALITÉ RÉGIONALE DE COMTÉ D'ARTHABASKA

"**244.** Section 19 of the Act respecting Municipalité régionale de comté d'Arthabaska (2004, chapter 47) is replaced by the following section:

"**19.** Article 14.1 of the Municipal Code of Québec (chapter C-27.1) applies to the company referred to in section 1, except where the agreement referred to in section 7 is concerned.

The same applies to the provisions of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1), except for the awarding of a contract to the person whose tender has been retained in accordance with section 2 or an associate, if a non-application provision has been provided for in the documents relating to the call for tenders.

The second paragraph applies despite the first paragraph of section 4 of the Act respecting contracting by municipal bodies and subject to the provisions of the Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01) that provide for the application of the Act respecting contracting by municipal bodies."

"ACT RESPECTING MUNICIPALITÉ RÉGIONALE DE COMTÉ DES APPALACHES

"**245.** The Act respecting Municipalité régionale de comté des Appalaches (2010, chapter 56) is repealed.

"ACT RESPECTING VILLE DE WINDSOR

"**246.** The Act respecting Ville de Windsor (2013, chapter 40) is repealed.

"ACT RESPECTING MUNICIPALITÉ DE NOTRE-DAME-DES-PINS

"**247.** The Act respecting Municipalité de Notre-Dame-des-Pins (2017, chapter 39) is repealed.

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

"**248.** Section 1 of the Act respecting the insurer activities of the Fédération québécoise des municipalités locales et régionales (FQM) and its amalgamation with, by absorption of, La Mutuelle des municipalités du Québec (2021, chapter 46) is amended by replacing "sections 573 to 573.4 of the Cities and Towns Act (chapter C-19) or articles 935 to 952 of the Municipal Code of Québec (chapter C-27.1)" in subparagraph 2 of the first paragraph by "the Act respecting contracting by municipal bodies (2025, chapter 4, section 1)".

"**249.** Section 20 of the Act is replaced by the following section:

"**20.** For the purposes of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1), a municipal body may, despite sections 29 and 30 of that Act, award by mutual agreement a contract referred to in Title III of that Act to the Fédération québécoise des municipalités locales et régionales (FQM) or to a group of which the Federation is the holder of control within the meaning of the Insurers Act (chapter A-32.1).

For the purposes of sections 204.3 and 358.3 of the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1), the Fédération québécoise des municipalités locales et régionales (FQM) and the groups of which the Federation is the holder of control within the meaning of the Insurers

Act are considered to be public bodies within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).”

“**250.** Section 21 of the Act is replaced by the following section:

“**21.** The Fédération québécoise des municipalités locales et régionales (FQM) and the groups of which the Federation is the holder of control within the meaning of the Insurers Act (chapter A-32.1) are considered to be municipal bodies exclusively for the purposes

(1) of that Act, despite the third paragraph of section 5 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1); and

(2) of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1), with the exception of the awarding of contracts of reinsurance or contracts involving no party other than the Federation or the groups of which the Federation is the holder of control.”

“ACT RESPECTING VILLE DE VICTORIAVILLE

“**251.** Sections 1 to 4 and 6 of the Act respecting Ville de Victoriaville (2022, chapter 35) are repealed.

“ACT RESPECTING MUNICIPALITÉ
DE SAINT-DAMIEN-DE-BUCKLAND

“**252.** The Act respecting Municipalité de Saint-Damien-de-Buckland (2022, chapter 38) is repealed.

“ACT RESPECTING VILLE DE TERREBONNE

“**253.** Sections 2 to 5 of the Act respecting Ville de Terrebonne (2024, chapter 46) are repealed.

“ACT RESPECTING VILLE DE BLAINVILLE

“**254.** Section 11 of the Act respecting Ville de Blainville (2024, chapter 47) is amended by replacing “the expenditure threshold for a contract that may be awarded only after a public call for tenders under section 573 of the Cities and Towns Act” in the first paragraph by “the threshold determined for the purposes of section 29 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1)”.

"REGULATION RESPECTING THE AWARDING OF CONTRACTS FOR CERTAIN PROFESSIONAL SERVICES

"**255.** The Regulation respecting the awarding of contracts for certain professional services (chapter C-19, r. 2) is repealed.

"OTHER AMENDING PROVISION

"**256.** The expressions "involving an expenditure that does not exceed $100,000", "for an amount not exceeding $100,000" and "that does not involve an expenditure exceeding $100,000" are, as the case may be, replaced by "that does not involve an expenditure equal to or above the threshold determined for the purposes of section 29 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1)" in the following provisions:

(1) the first paragraph of section 31 of the Charter of Ville de Lévis (chapter C-11.2);

(2) section 4.11 of Order in Council 17-2001 dated 17 January 2001, respecting Ville de Saint-Jean-sur-Richelieu, enacted by section 1 of chapter 62 of the statutes of 2006;

(3) the first paragraph of section 37 of Order in Council 736-2001 dated 20 June 2001, respecting Ville de Terrebonne;

(4) the first paragraph of section 26 of Order in Council 841-2001 dated 27 June 2001, respecting Ville de Saguenay;

(5) the first paragraph of section 30 of Order in Council 850-2001 dated 4 July 2001, respecting Ville de Sherbrooke;

(6) the first paragraph of section 17 of Order in Council 851-2001 dated 4 July 2001, respecting Ville de Trois-Rivières;

(7) the first paragraph of section 17 of Order in Council 1012-2001 dated 5 September 2001, respecting Ville de Shawinigan;

(8) the first paragraph of section 10.5 of Order in Council 1044-2001 dated 12 September 2001, respecting Ville de Saint-Jérôme, enacted by Order in Council 591-2002 dated 22 May 2002;

(9) section 16 of Order in Council 202-2002 dated 6 March 2002, respecting Ville de Repentigny.

"**TITLE VIII**

"TRANSITIONAL PROVISIONS

"**257.** The following continue to be subject to the provisions of the Cities and Towns Act (chapter C-19), the Municipal Code of Québec (chapter C-27.1), the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01), the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02) or the Act respecting public transit authorities (chapter S-30.01), as they read on the date preceding the date of coming into force of this section:

(1) in the case of a contract that must be the subject of a public call for tenders, an awarding procedure with regard to which such a call for tenders was advertised in a newspaper before that date;

(2) in the case of a contract that must be the subject of a call for tenders by written invitation, an awarding procedure with regard to which such invitations were sent before that date; and

(3) a contract entered into before that date under the provisions of one of those Acts.

"**258.** Sections 22 of the Charter of Ville de Gatineau (chapter C-11.1), 31 of the Charter of Ville de Lévis (chapter C-11.2), 33 of the Charter of Ville de Longueuil (chapter C-11.3), 33 of the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4), 31 of the Charter of Ville de Québec, national capital of Québec (chapter C-11.5) and 19 of Schedule C to that Charter, article 124 of the Municipal Code of Québec (chapter C-27.1) and sections 4.11 of Order in Council 17-2001 dated 17 January 2001, respecting Ville de Saint-Jean-sur-Richelieu, 37 of Order in Council 736-2001 dated 20 June 2001, respecting Ville de Terrebonne, 26 of Order in Council 841-2001 dated 27 June 2001, respecting Ville de Saguenay, 30 of Order in Council 850-2001 dated 4 July 2001, respecting Ville de Sherbrooke, 17 of Order in Council 851-2001 dated 4 July 2001, respecting Ville de Trois-Rivières, 17 of Order in Council 1012-2001 dated 5 September 2001, respecting Ville de Shawinigan, 10.5 of Order in Council 1044-2001 dated 12 September 2001, respecting Ville de Saint-Jérôme, and 16 of Order in Council 202-2002 dated 6 March 2002, respecting Ville de Repentigny, apply, as they read on 24 March 2025:

(1) in the case of a contract that must be the subject of a public call for tenders, an awarding procedure with regard to which such a call for tenders was advertised in a newspaper before 25 March 2025; and

(2) in the case of a contract that must be the subject of a call for tenders by written invitation, an awarding procedure with regard to which such invitations were sent before 25 March 2025.

"**259.** Bodies that were, before the date of coming into force of this section, designated by the Minister under subparagraph 5 of the first paragraph of section 573.3.5 of the Cities and Towns Act (chapter C-19) are deemed to have been designated by the Minister under subparagraph 5 of the first paragraph of section 4 of this Act.

"**260.** Until the date of coming into force of section 29:

(1) sections 22 of the Charter of Ville de Gatineau (chapter C-11.1), 31 of the Charter of Ville de Lévis (chapter C-11.2), 33 of the Charter of Ville de Longueuil (chapter C-11.3), 33 of the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4), 31 of the Charter of Ville de Québec, national capital of Québec (chapter C-11.5), 19 of Schedule C to that Charter, 4.11 of Order in Council 17-2001 dated 17 January 2001, respecting Ville de Saint-Jean-sur-Richelieu, 37 of Order in Council 736-2001 dated 20 June 2001, respecting Ville de Terrebonne, 26 of Order in Council 841-2001 dated 27 June 2001, respecting Ville de Saguenay, 30 of Order in Council 850-2001 dated 4 July 2001, respecting Ville de Sherbrooke, 17 of Order in Council 851-2001 dated 4 July 2001, respecting Ville de Trois-Rivières, 17 of Order in Council 1012-2001 dated 5 September 2001, respecting Ville de Shawinigan, 10.5 of Order in Council 1044-2001 dated 12 September 2001, respecting Ville de Saint-Jérôme, and 16 of Order in Council 202-2002 dated 6 March 2002, respecting Ville de Repentigny, as amended by sections 142, 145, 148, 158, 161 and 256 of this Act, are to be read as if "threshold determined for the purposes of section 29 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1)" were replaced by "expenditure threshold for a contract that may be awarded only after a public call for tenders under section 573 of the Cities and Towns Act (chapter C-19)";

(2) article 124 of the Municipal Code of Québec (chapter C-27.1), as amended by section 187 of this Act, is to be read as if "threshold determined for the purposes of section 29 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1)" in the second paragraph were replaced by "expenditure threshold for a contract that may be awarded only after a public call for tenders under article 935".

"**261.** The provisions of the order of the Minister of Municipal Affairs and Greater Montréal dated 10 December 1999 (1999, G.O. 2, 6945, French only) and of the order of the Minister of Municipal Affairs, Sports and Recreation dated 1 September 2004 (2004, G.O. 2, 2622) continue to apply until replaced or repealed by a regulation made in accordance with subparagraph 5 of the first paragraph of section 33.

"**262.** Until the date of coming into force of the first regulation made under section 79, the Minister may, on the conditions the Minister determines, allow a municipal body to award a contract to the winner of an engineering, architecture or design competition it holds.

"**263.** The Regulation respecting construction contracts of municipal bodies (chapter C-19, r. 3) and the Regulation ordering the applicable thresholds, ceilings and time periods when awarding certain municipal contracts (chapter C-19, r. 5) are deemed to be regulations made under this Act. They continue to apply, to the extent that they are consistent with this Act, until they are repealed or replaced by a regulation made under this Act.

"**264.** Unless the context indicates otherwise, in any other Act, a regulation or any other document, any reference to a provision repealed by this Act is deemed to be a reference to the corresponding provision of this Act or to that of one of its regulations, as the case may be.

"**TITLE IX**

"FINAL PROVISIONS

"**265.** The provisions of this Act take precedence over any incompatible provision of a general or special Act in force on the date of coming into force of section 11.

"**266.** The Minister of Municipal Affairs, Regions and Land Occupancy is responsible for the administration of this Act, except the first paragraph of section 112 and section 137, which are under the administration of the Minister of Justice."

**CHAPTER II**

AMENDING PROVISIONS

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

**2.** Section 44 of the Act respecting land use planning and development (chapter A-19.1) is amended by striking out ", subject to the first paragraph of section 105" in the second paragraph.

**3.** Section 51 of the Act is amended

(1) in the first paragraph,

(*a*) by replacing "60" by "45";

(*b*) by adding the following sentences at the end of the first paragraph: "In the case of a draft by-law that, under the fifth paragraph of section 5, delimits a mining incompatible territory within the meaning of section 304.1.1 of the Mining Act (chapter M-13.1) or modifies the boundaries of such a territory, the Minister's opinion must state that the proposed amendment is inconsistent with government policy directions if the Minister has received from the Minister of Natural Resources and Wildlife an opinion, with reasons, stating that the

proposed amendment is inconsistent with a government policy direction drawn up for the purpose of establishing such a territory. The opinion of the Minister of Natural Resources and Wildlife must be received by the Minister not later than the 22nd day after the day the latter requested the former's opinion in accordance with section 267.";

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

"The Minister must, where the responsible body has failed to amend or revise its metropolitan plan or RCM plan to comply with a ministerial request under this chapter, include, along with the opinion provided for in the first paragraph, a notice that identifies the cause of the failure."

**4.** Section 53.7 of the Act is amended by replacing "60" and "30th" in the first paragraph by "45" and "22nd", respectively.

**5.** The Act is amended by inserting the following section after section 53.8:

"**53.8.1.** Sections 53.7 and 53.8 do not apply in respect of a by-law if the following conditions are met:

(1) the by-law has been adopted without any change as compared to the draft by-law;

(2) the draft by-law has been the subject of an opinion stating that it is consistent with government policy directions;

(3) the Minister has not sent the responsible body a notice of failure to act referred to in the fourth paragraph of section 51; and

(4) the resolution adopting the by-law states that the conditions provided for in paragraphs 1 to 3 have been met."

**6.** Section 53.9 of the Act is amended by inserting the following paragraph after the first paragraph:

"However, a by-law referred to in section 53.8.1 comes into force on the day it is adopted."

**7.** The Act is amended by inserting the following sections before section 53.11.7:

"**53.11.6.1.** If the draft by-law amending the RCM plan concerns part of the territory of a metropolitan community, the council of the regional county municipality may request the metropolitan community's opinion on the proposed amendment.

The secretary shall send to the metropolitan community a certified copy of the resolution setting out the request.

"**53.11.6.2.** Within 45 days after receiving the copy of the resolution requesting the council of a metropolitan community's opinion, the council shall give an opinion as to the conformity of the proposed amendment with the metropolitan plan.

A resolution by which the council of the metropolitan community states that the draft by-law is not in conformity with the metropolitan plan must include reasons and specify which provisions of the by-law are not in conformity.

The secretary of the metropolitan community shall send to the regional county municipality a certified copy of the resolution giving the council of the metropolitan community's opinion as to the conformity of the proposed amendment with the metropolitan plan.

If the regional county municipality fails to make a concordance amendment to its RCM plan, the secretary of the metropolitan community must include with the copy of the resolution a notice that identifies the cause of the failure."

**8.** Section 53.11.7 of the Act is amended by replacing "60" in the first paragraph by "45".

**9.** The Act is amended by inserting the following section after section 53.11.12:

"**53.11.12.1.** Sections 53.11.7 to 53.11.12 do not apply in respect of a by-law if the following conditions are met:

(1) the by-law has been adopted without any change as compared to the draft by-law;

(2) the draft by-law has been the subject of an opinion stating that it is in conformity with the metropolitan plan;

(3) the metropolitan community has not sent the regional county municipality a notice of failure to act referred to in the fourth paragraph of section 53.11.6.2; and

(4) the resolution adopting the by-law states that the conditions provided for in paragraphs 1 to 3 have been met."

**10.** Section 53.11.14 of the Act is amended

(1) by striking out the last sentence of the first paragraph;

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

"However, a by-law that meets both the conditions provided for in sections 53.8.1 and those provided for in 53.11.12.1 comes into force on the day it is adopted.

A by-law covered by this section is deemed to be in conformity with the metropolitan plan."

**11.** Section 56.7 of the Act is amended by replacing "120" in the second paragraph by "60".

**12.** Subdivision B of subdivision 2 of Division IV of Chapter I.0.1 of Title I of the Act, comprising sections 59.5 to 59.9, is repealed.

**13.** Section 65 of the Act is amended by replacing "60" in the first paragraph by "45".

**14.** Section 75.11 of the Act is amended by replacing "45" in the second paragraph by "30".

**15.** Section 79.9 of the Act is amended by replacing "60" in the first paragraph by "45".

**16.** Section 79.10 of the Act is amended by replacing "60" by "45".

**17.** The Act is amended by inserting the following sections after section 79.10:

"**79.10.1.** If a draft by-law referred to in section 79.2 concerns part of the territory of a metropolitan community, the council of the regional county municipality may request the metropolitan community's opinion on the proposed amendment.

The secretary shall send to the metropolitan community a certified copy of the resolution setting out the request.

"**79.10.2.** Within 45 days after receiving the copy of the resolution requesting the council of a metropolitan community's opinion, the council shall give an opinion as to the conformity of the draft by-law with the metropolitan plan.

A resolution by which the council of a metropolitan community states that the draft by-law is not in conformity with the metropolitan plan must include reasons and specify which provisions of the by-law are not in conformity.

The secretary of the metropolitan community shall send to the regional county municipality a certified copy of the resolution giving the council of the metropolitan community's opinion as to the conformity of the proposed amendment with the metropolitan plan."

**18.** Section 79.19.4 of the Act is amended by replacing "60" in the first paragraph by "45".

**19.** The Act is amended by inserting the following section after section 79.19.5:

"**79.19.5.1.** Sections 79.19.4 and 79.19.5 do not apply in respect of a by-law if the following conditions are met:

(1) the by-law has been adopted without any change as compared to the draft by-law;

(2) the draft by-law has been the subject of an opinion stating that it is consistent with government policy directions; and

(3) the resolution adopting the by-law states that the conditions provided for in paragraphs 1 and 2 have been met."

**20.** Section 79.19.6 of the Act is amended by replacing "60" in the first paragraph by "45".

**21.** The Act is amended by inserting the following section after section 79.19.9:

"**79.19.9.1.** Sections 79.19.6 to 79.19.9 do not apply in respect of a by-law if the following conditions are met:

(1) the by-law has been adopted without any change as compared to the draft by-law;

(2) the draft by-law has been the subject of an opinion stating that it is in conformity with the metropolitan plan; and

(3) the resolution adopting the by-law states that the conditions provided for in paragraphs 1 and 2 have been met."

**22.** Section 79.19.10 of the Act is amended

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

"Despite the first and second paragraphs, a by-law that meets the conditions provided for in section 79.19.5.1 and, if applicable, those provided for in section 79.19.9.1 comes into force on the day it is adopted."

(2) by replacing "the first or second paragraph" in the third paragraph by "this section".

**23.** Sections 79.19.11 to 79.19.15 of the Act are replaced by the following section:

"**79.19.11.** A by-law referred to in section 79.3 must be in conformity with the objectives of the RCM plan and with the provisions of the complementary document. Such conformity is deemed to be established as soon as the by-law is adopted.

The by-law comes into force in accordance with the Act that governs the regional county municipality in that respect."

**24.** Section 102 of the Act is amended

(1) by striking out ", if applicable" and "with the planning program and, where such is the case," in the first paragraph;

(2) by striking out "and, where such is the case, with the objectives of the RCM plan and with the complementary document, and send a copy of it to the regional county municipality, if applicable, whether amended or not" in the second paragraph;

(3) by striking out the third paragraph.

**25.** Sections 103 to 106 of the Act are repealed.

**26.** Section 110.4 of the Act is amended

(1) by replacing "by-law not deemed to be in conformity pursuant to section 110.9" in the first paragraph by "planning by-law";

(2) by striking out the third paragraph;

(3) by replacing "first three" in the fourth paragraph by "first and second";

(4) by striking out the fifth paragraph.

**27.** Sections 110.5 to 110.9 of the Act are repealed.

**28.** Section 110.10.1 of the Act is amended by striking out the second paragraph.

**29.** Section 112.7 of the Act is amended

(1) in the first paragraph,

(*a*) by striking out ", 59.5" in subparagraph 1;

(*b*) by striking out subparagraph 3;

(2) by striking out the second paragraph.

**30.** Section 123 of the Act is amended by striking out ", 59.5" in subparagraph 2 of the third paragraph.

**31.** Section 136.0.1 of the Act is amended by replacing the second paragraph by the following paragraph:

"The 45-day and 120-day periods provided, respectively, by sections 535 and 568 of that Act shall begin to run on the day after the day on which the regional county municipality approves the by-law under section 137.3 or on the day after the day on which the municipality receives a copy of the assessment of the Commission, provided for in section 137.5, according to which the by-law conforms to the objectives of the RCM plan and to the provisions of the complementary document."

**32.** Section 137.8 of the Act is amended by striking out the fifth paragraph.

**33.** Subdivision 4 of Division V of Chapter IV of Title I of the Act, comprising sections 137.9 to 137.14, is repealed.

**34.** Section 137.15 of the Act is amended

(1) by striking out the second paragraph;

(2) by striking out "or second" in the third paragraph.

**35.** Section 137.16 of the Act is amended

(1) by striking out ", subject to section 105," in the first paragraph;

(2) by striking out the second paragraph.

**36.** Section 234.2 of the Act is amended by replacing "45" in the third paragraph by "30".

**37.** Section 235 of the Act is amended by striking out the second paragraph.

**38.** Section 239 of the Act is amended

(1) by replacing "section 53.7, without exceeding a total period of 120 days" in the second paragraph by "any of sections 51, 53.7, 65, 79.9 and 79.19.4, without exceeding a total period of 60 days";

(2) by striking out ", and published, as soon as practicable, in the *Gazette officielle du Québec*" in the third paragraph.

**39.** Section 240 of the Act is amended

(1) by replacing "the objectives of an RCM plan, the provisions of a complementary document or a planning program, of any document with respect to which an application for an assessment may be filed with the Commission under this Act by the council of a responsible body or municipality or a qualified voter" in the first paragraph by "with the objectives of an RCM plan or with

the provisions of a complementary document, of any document with respect to which a request for an assessment may be made to the Commission under this Act by the council of a responsible body or municipality";

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

"The Minister must request the assessment within the period prescribed by law, and the request has the same effect as a request made by a council."

**40.** Section 264 of the Act is amended by replacing subparagraph 1 of the second paragraph by the following subparagraph:

"(1) any by-law that adopts, amends or replaces the planning program or a planning by-law is deemed to be in conformity with the RCM plan as soon as it is adopted;".

**41.** Section 264.0.1 of the Act is amended by replacing subparagraph 1 of the second paragraph by the following subparagraph:

"(1) any by-law that adopts, amends or replaces the planning program or a planning by-law is deemed to be in conformity with the RCM plan as soon as it is adopted;".

**42.** Section 264.0.2 of the Act is amended by replacing the second paragraph by the following paragraph:

"However, any by-law that adopts, amends or replaces the planning program or a planning by-law is deemed to be in conformity with the RCM plan as soon as it is adopted."

**43.** Section 264.0.3 of the Act is amended by replacing subparagraph 1 of the second paragraph by the following subparagraph:

"(1) any by-law, adopted by the city council, that adopts, amends or replaces the planning program or a planning by-law is deemed to be in conformity with the RCM plan as soon as it is adopted;".

**44.** Section 264.0.4 of the Act is amended, in the second paragraph,

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

"(1) any by-law, adopted by the city council, that adopts, amends or replaces the planning program or a planning by-law is deemed to be in conformity with the RCM plan as soon as it is adopted;";

(2) by replacing "third, fourth and fifth" in subparagraph 2 by "second, third and fourth".

**45.** Section 264.0.5 of the Act is amended by replacing subparagraph 1 of the second paragraph by the following subparagraph:

"(1) any by-law, adopted by the city council, that adopts, amends or replaces the planning program or a planning by-law is deemed to be in conformity with the RCM plan as soon as it is adopted;".

**46.** Section 264.0.6 of the Act is amended by replacing the second paragraph by the following paragraph:

"However, any by-law that adopts, amends or replaces the planning program or a planning by-law is deemed to be in conformity with the RCM plan as soon as it is adopted."

**47.** Section 264.0.7 of the Act is amended by replacing the second paragraph by the following paragraph:

"However, any by-law, adopted by the municipal council, that adopts, amends or replaces the planning program or a planning by-law is deemed to be in conformity with the RCM plan as soon as it is adopted."

**48.** Section 264.0.8 of the Act is amended by replacing the second paragraph by the following paragraph:

"However, any by-law, adopted by the city council, that adopts, amends or replaces the planning program or a planning by-law is deemed to be in conformity with the RCM plan as soon as it is adopted."

CHARTER OF VILLE DE LONGUEUIL

**49.** Section 58.4 of the Charter of Ville de Longueuil (chapter C-11.3) is amended by striking out ", excluding a concordance by-law within the meaning of section 59.5, 110.4 or 110.5 of the Act respecting land use planning and development (chapter A-19.1),".

**50.** Section 74 of the Charter is amended

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

"To ensure compliance with the planning program of the city of any by-law referred to in section 72 and adopted by a borough council, sections 137.2 to 137.8 of the Act respecting land use planning and development (chapter A-19.1) apply, with the necessary modifications.";

(2) by striking out the third paragraph.

CHARTER OF VILLE DE MONTRÉAL, METROPOLIS OF QUÉBEC

**51.** Section 89.2 of the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4) is amended by striking out "and that is not a concordance by-law within the meaning of any of sections 59.5, 110.4 and 110.5 of the Act respecting land use planning and development (chapter A-19.1)".

**52.** Section 133 of the Charter is amended

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

"To ensure compliance with the planning program of the city of any by-law referred to in section 131 and adopted by a borough council, sections 137.2 to 137.8 of the Act respecting land use planning and development (chapter A-19.1) apply, with the necessary modifications.";

(2) by striking out the third paragraph.

CHARTER OF VILLE DE QUÉBEC, NATIONAL CAPITAL OF QUÉBEC

**53.** Section 74.6 of the Charter of Ville de Québec, national capital of Québec (chapter C-11.5) is amended by striking out ", other than a concordance by-law within the meaning of section 59.5, 110.4 or 110.5 of the Act respecting land use planning and development (chapter A-19.1),".

**54.** Section 117 of the Charter is amended

(1) by replacing the first and second paragraphs by the following paragraph:

"To ensure compliance with the planning program of the city of any by-law referred to in section 115 and adopted by a borough council, sections 137.2 to 137.8 of the Act respecting land use planning and development (chapter A-19.1) apply, with the necessary modifications.";

(2) by replacing "the first four paragraphs" in the introductory clause of the fifth paragraph by "this section".

CITIES AND TOWNS ACT

**55.** Section 107.1 of the Cities and Towns Act (chapter C-19) is amended by inserting "and the holder of a public accountancy permit" at the end.

**56.** Section 107.2 of the Act is replaced by the following section:

"**107.2.** The chief auditor shall, by a resolution approved by a two-thirds majority of the votes of the members of the council, be appointed for a single term of 10 years."

**57.** Section 107.9 of the Act is amended

(1) by replacing "$100,000" in the first paragraph by "$250,000";

(2) by replacing "paragraph 2 of section 107.7 that receives an annual subsidy from the municipality of at least $100,000" in the introductory clause of the second paragraph by "subparagraph 2 of the first paragraph of section 107.7 that receives an annual subsidy from the municipality of at least $250,000".

**58.** Section 468.10 of the Act is amended by replacing paragraph 2 by the following paragraph:

"(2) the place in Québec where its head office will be situated;".

**59.** The Act is amended by inserting the following section after section 468.29:

"**468.29.1.** The board of directors may, by resolution, change the place of the management board's head office for any other place situated in Québec."

**60.** Section 544 of the Act is amended by replacing "0.25%" in subparagraph 2 of the second paragraph by "1.5%".

MUNICIPAL CODE OF QUÉBEC

**61.** Article 179 of the Municipal Code of Québec (chapter C-27.1) is amended by adding the following paragraph at the end:

"However, the council may choose to appoint a clerk and a treasurer, in which case it must apportion between those persons the duties and powers inherent in the office of clerk-treasurer."

**62.** Article 579 of the Code is amended by replacing paragraph 2 by the following paragraph:

"(2) the place in Québec where its head office will be situated;".

**63.** The Code is amended by inserting the following article after article 598:

"**598.1.** The board of directors may, by resolution, change the place of the management board's head office for any other place situated in Québec."

**64.** Article 1063 of the Code is amended by replacing "0.25%" in subparagraph 2 of the second paragraph by "1.5%".

MUNICIPAL POWERS ACT

**65.** Section 17.1 of the Municipal Powers Act (chapter C-47.1) is amended by replacing the second paragraph by the following paragraph:

"Where the enterprise produces electricity at a hydro-electric power plant, at least 50% of the voting rights attached to the participations must be held by the local municipality or, if the enterprise is operated jointly with a regional county municipality or a band council within the meaning of the Indian Act (R.S.C. 1985, c. I-5) or the Naskapi and the Cree-Naskapi Commission Act (S.C. 1984, c. 18), by all such operators."

**66.** Section 111 of the Act is amended by replacing the second paragraph by the following paragraph:

"Where the enterprise produces electricity at a hydro-electric power plant, at least 50% of the voting rights attached to the participations must be held by the regional county municipality or, if the enterprise is operated jointly with a local municipality or a band council within the meaning of the Indian Act (R.S.C. 1985, c. I-5) or the Naskapi and the Cree-Naskapi Commission Act (S.C. 1984, c. 18), by all such operators."

ACT RESPECTING DUTIES ON TRANSFERS OF IMMOVABLES

**67.** Section 1 of the Act respecting duties on transfers of immovables (chapter D-15.1) is amended by striking out the definition of "regulation".

**68.** Section 25 of the Act is repealed.

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

**69.** Section 70.0.1 of the Act respecting elections and referendums in municipalities (chapter E-2.2) is amended by replacing the four occurrences of "clerk-treasurer" by "clerk or clerk-treasurer".

ACT RESPECTING THE EXERCISE OF CERTAIN MUNICIPAL POWERS IN CERTAIN URBAN AGGLOMERATIONS

**70.** Section 118.83.1 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001) is replaced by the following section:

"**118.83.1.** Section 19 is modified

(1) by inserting the following paragraph after paragraph 3:

"(3.1) road service and vehicle towing and impounding;";

(2) by replacing subparagraph *d* of paragraph 8 by the following subparagraph:

"(*d*) disaster risk management and response to disasters in accordance with the Act respecting civil protection to promote disaster resilience (chapter S-2.4);"."

**71.** The Act is amended by inserting the following section after section 118.85.1:

"**118.85.2.** The following section is inserted after section 28.1:

"**28.2.** The central municipality's exclusive jurisdiction over the component of public security consisting in disaster risk management and response to disasters does not have the effect of exempting another related municipality from cooperating closely with the central municipality in the carrying out of the regional disaster risk management process.

Likewise, that exclusive jurisdiction does not prevent another related municipality from

(1) being responsible for putting in place measures of the emergency preparedness plan established by the central municipality;

(2) deploying emergency response and recovery measures to respond to a disaster that occurs or is imminent in its territory; or

(3) declaring or renewing a state of emergency in its territory, nor does it prevent its mayor from declaring such a state of emergency, subject to compliance with the measures taken under section 23 of the Act respecting civil protection to promote disaster resilience (chapter S-2.4), if the state of emergency has been or is declared by the central municipality or its mayor in all or part of the territory of the agglomeration or is renewed by the central municipality."."

ACT RESPECTING MUNICIPAL TAXATION

**72.** Section 71 of the Act respecting municipal taxation (chapter F-2.1) is amended by striking out the second paragraph.

**73.** Section 83 of the Act is amended by striking out the last sentence of the second paragraph.

**74.** Section 176 of the Act is amended by replacing the first and second paragraphs by the following paragraph:

"The assessor shall make any alteration referred to in section 174 or 174.2 by means of a certificate."

**75.** Section 179 of the Act is amended by striking out ", after signing it," in the first paragraph.

**76.** Sections 180, 180.1 and 181 of the Act are amended by replacing all occurrences of "third" by "second".

ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

**77.** The Act respecting municipal territorial organization (chapter O-9) is amended by inserting the following division after section 106:

"**DIVISION V.1**

"NEGOTIATION OF AN AGREEMENT

"**106.1.** Sections 59 to 65 apply, with the necessary modifications, to an amalgamation where it entails detaching the territory of a local municipality from the territory of a regional county municipality.

The Minister shall publish in the *Gazette officielle du Québec* a notice stating that the Minister has approved an agreement with or without amendment or imposed an apportionment of the assets and liabilities.

The agreement shall come into force on the date of coming into force of the order constituting the local municipality resulting from the amalgamation."

**78.** The Act is amended by inserting the following section after section 116:

"**116.1.** Sections 210.83 and 210.84 apply, with the necessary modifications, to an amalgamation where it entails detaching the territory of a local municipality from the territory of a regional county municipality."

**79.** The Act is amended by inserting the following section after section 124:

"**124.1.** For 10 years following the date of coming into force of the order, any amount granted to the municipality resulting from the amalgamation under an assistance program of a government department or body or any amount paid by such a department or body to which the municipality is entitled under an Act or a regulation must be at least equal to the sum of the amounts that would have been granted to each applicant municipality had the amalgamation not taken place.

The conditions of amalgamation set out in the order may not depart from this section."

**80.** The Act is amended by inserting the following section after section 169:

"**169.1.** Sections 210.83 and 210.84 apply, with the necessary modifications, to an annexation where it entails detaching the territory of a local municipality from the territory of a regional county municipality."

**81.** The Act is amended by inserting the following section after section 175:

"**175.1.** For 10 years following the date of coming into force of a by-law annexing the whole territory of a municipality, any amount granted to the annexing municipality under an assistance program of a government department or body or any amount paid by such a department or body to which the municipality is entitled under an Act or a regulation must be at least equal to the sum of the amounts that would have been granted to each municipality concerned had the annexation not taken place.

The conditions of annexation contained in the by-law may not depart from this section."

**82.** The Act is amended by inserting the following division after section 210.79:

"**DIVISION V.1**

"NEGOTIATION OF AN AGREEMENT

"**210.79.1.** Sections 59 to 65 apply, with the necessary modifications, to a transfer of territory.

The Minister shall publish in the *Gazette officielle du Québec* a notice stating that the Minister has approved an agreement with or without amendment or imposed an apportionment of the assets and liabilities.

The agreement shall come into force on the date of coming into force of the order transferring the territory."

ACT TO RECOGNIZE AND SUPPORT CAREGIVERS

**83.** The Act to recognize and support caregivers (chapter R-1.1) is amended by inserting the following chapter after section 39:

"**CHAPTER VII.1**

"LAND USE PLANNING AND DEVELOPMENT

"**39.1.** No municipal permit or certificate may be refused nor proceedings under a by-law instituted for the sole reason that a building or dwelling premises are to be occupied in whole or in part by a resource that only offers respite services to caregivers by temporarily sheltering the persons they help.

This section takes precedence over any general or special Act and over any municipal by-law adopted under any such Act."

ACT RESPECTING THE SOCIÉTÉ DE FINANCEMENT DES INFRASTRUCTURES LOCALES DU QUÉBEC

**84.** Section 7 of the Act respecting the Société de financement des infrastructures locales du Québec (chapter S-11.0102) is replaced by the following section:

"**7.** The Société may not grant financial assistance without the authorization of the Minister of Municipal Affairs, Regions and Land Occupancy or, in the case of assistance in respect of infrastructure projects relating to public transit, without the authorization of the Minister of Transport.

An agreement between the Minister of Municipal Affairs, Regions and Land Occupancy and the Minister of Transport may be entered into concerning eligibility for financial assistance in respect of an infrastructure project relating to local roads. In the absence of such an agreement, that assistance may be granted only with the authorization of the Minister of Transport rather than with that of the Minister of Municipal Affairs, Regions and Land Occupancy."

**85.** Section 13 of the Act is amended by replacing "Government" in the first paragraph by "Minister".

**86.** Section 14 of the Act is amended by replacing "Government" by "Minister".

OTHER AMENDING PROVISIONS

**87.** Section 13 of the Act to amend the charter of the City of Laval (1999, chapter 91) is repealed.

**88.** Section 253 of the Act to amend various legislative provisions concerning municipal affairs (2001, chapter 68), amended by section 46 of chapter 68 of the statutes of 2002 and by section 114 of chapter 7 of the statutes of 2021, is again amended by replacing the second paragraph by the following paragraph:

"However, any by-law that adopts, amends or replaces the planning program or planning by-law is deemed to be in conformity with the development plan as soon as it is adopted."

**89.** Section 6 of the Act respecting the insurer activities of the Fédération québécoise des municipalités locales et régionales (FQM) and its amalgamation with, by absorption of, La Mutuelle des municipalités du Québec (2021, chapter 46) is amended by replacing "contribution" and "and payment of interest to the holders" by "special assessment or funding contribution" and "of interest and its payment to those holders who paid a premium or a funding contribution", respectively.

**90.** Section 7 of the Act is amended by replacing "declare or pay any interest" by "reimburse a funding contribution or declare or pay interest".

**91.** Section 11 of the Act is amended by replacing the first sentence by the following sentence: "The remaining property of the Federation's insurance fund is, after reimbursement of any funding contribution made by a holder of an insurance contract referred to in either of subparagraphs 1 and 2 of the first paragraph of section 1, remitted only to the holders referred to in subparagraph 1 of that paragraph."

**92.** Section 93 of the Act to amend various legislative provisions with respect to housing (2024, chapter 2), amended by section 179 of chapter 24 of the statutes of 2024, is again amended

(1) in the first paragraph,

(*a*) by replacing "a housing project" in the introductory clause by "an immovable project";

(*b*) by inserting "the project mostly consists of dwellings," at the beginning of subparagraph 2;

(*c*) by inserting the following subparagraph after subparagraph 2:

"(3) the project mostly consists of dwellings, the municipality has a population of less than 10,000 inhabitants and the most recent vacancy rates for rental dwellings published by the Canada Mortgage and Housing Corporation with respect to the entire territory of Québec is less than 3% at any time between 25 March 2025 and 21 February 2027.";

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

"For the purposes of the first paragraph, a project consists mostly of dwellings if the floor area for all the dwellings referred to in any of the subparagraphs of that paragraph, as applicable, is greater than the floor area intended for all the other uses.";

(3) in the second paragraph,

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

"(1.1) in a place where land occupation is subject to special restrictions due to the presence of a road or rail infrastructure and if the authorization were to be granted so as to depart from standards provided for under paragraph 16.1 of the second paragraph of section 113 of the Act respecting land use planning and development;";

(*b*) by inserting ", other than a place referred to in subparagraph 1.1," after "place" in subparagraph 2;

(4) by striking out subparagraph 4 of the sixth paragraph;

(5) by inserting the following paragraphs after the sixth paragraph:

"The resolution may be amended, following the procedure set out in this section, not later than two years after the deadline set out in the first paragraph.

The Superior Court may order the cessation of a use of land or a structure incompatible with the resolution or the carrying out of the works required to bring the use of the land or the structure into conformity with the resolution. Sections 227, 232 and 233 of the Act respecting land use planning and development apply, with the necessary modifications, to such a court order.

Anyone who contravenes the conditions set out in the resolution is liable to a fine of $1,000, in the case of a natural person, or $2,000 in any other case. In the case of a subsequent offence, those fines are doubled. Penal proceedings are brought by the municipality before the municipal court having jurisdiction."

**93.** Section 51 of Order in Council 841-2001 dated 27 June 2001, respecting Ville de Saguenay, amended by section 47 of chapter 68 of the statutes of 2002 and by section 116 of chapter 7 of the statutes of 2021, is again amended by replacing the third paragraph by the following paragraph:

"However, any by-law that adopts, amends or replaces the planning program or a planning by-law is deemed to comply with the land use and development plan as soon as it is adopted."

**94.** Section 48 of Order in Council 850-2001 dated 4 July 2001, respecting Ville de Sherbrooke, amended by section 48 of chapter 68 of the statutes of 2002 and by section 117 of chapter 7 of the statutes of 2021, is again amended by replacing the third paragraph by the following paragraph:

"However, any by-law that adopts, amends or replaces the planning program or a planning by-law is deemed to comply with the land use and development plan as soon as it is adopted."

**95.** Section 25 of Order in Council 851-2001 dated 4 July 2001, respecting Ville de Trois-Rivières, amended by section 49 of chapter 68 of the statutes of 2002 and by section 118 of chapter 7 of the statutes of 2021, is again amended by replacing the second paragraph by the following paragraph:

"However, any by-law that adopts, amends or replaces the planning program or a planning by-law is deemed to comply with the land use and development plan as soon as it is adopted."

**96.** Section 12 of Order in Council 1478-2001 dated 12 December 2001, respecting Ville de Rouyn-Noranda, amended by section 51 of chapter 68 of the statutes of 2002 and by section 119 of chapter 7 of the statutes of 2021, is again amended by replacing the second paragraph by the following paragraph:

"However, any by-law that adopts, amends or replaces the planning program or a planning by-law is deemed to comply with the land use and development plan as soon as it is adopted."

## CHAPTER III

TRANSITIONAL AND FINAL PROVISIONS

**97.** Sections 51, 53.7, 53.11.7, 65, 75.11, 79.9, 79.10, 79.19.4, 79.19.6, 234.2 and the second paragraph of section 239 of the Act respecting land use planning and development (chapter A-19.1), as they read on 24 September 2025, continue to apply in respect of any by-law or draft by-law adopted before 25 September 2025.

Sections 51, 53.9, 53.11.14 and 79.19.10 of the Act respecting land use planning and development, as they read on 24 September 2025, continue to apply with respect to a regulatory process if a draft by-law was sent to the Minister or a metropolitan community before 25 September 2025. Sections 53.8.1, 53.11.6.1, 53.11.6.2, 53.11.12.1, 79.10.1, 79.10.2, 79.19.5.1 and 79.19.9.1 of the Act respecting land use planning and development, enacted by sections 5, 7, 9, 17, 19 and 21 of this Act, do not apply with respect to such a regulatory process.

Section 56.7 of the Act respecting land use planning and development, as it reads on 24 September 2025, continues to apply with respect to a second draft that has been sent under the third paragraph of section 56.6 of that Act before 25 September 2025.

**98.** Sections 44, 59.5 to 59.9, 79.19.11 to 79.19.15, 102 to 106, 110.4 to 110.9, 110.10.1, 112.7, 123, 136.0.1, 137.8 to 137.16, 235, 240 and 264 to 264.0.8 of the Act respecting land use planning and development (chapter A-19.1), sections 58.4 and 74 of the Charter of Ville de Longueuil (chapter C-11.3), sections 89.2 and 133 of the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4), sections 74.6 and 117 of the Charter of Ville de Québec, national capital of Québec (chapter C-11.5), section 13 of the Act to amend the charter of the City of Laval (1999, chapter 91), section 253 of the Act to amend various legislative provisions concerning municipal affairs (2001, chapter 68), amended by section 46 of chapter 68 of the statutes of 2002 and by section 114 of chapter 7 of the statutes of 2021, section 51 of Order in Council 841-2001 dated 27 June 2001, respecting Ville de Saguenay, amended by section 47 of chapter 68 of the statutes of 2002 and by section 116 of chapter 7 of the statutes of 2021, section 48 of Order in Council 850-2001 dated 4 July 2001, respecting Ville de Sherbrooke, amended by section 48 of chapter 68 of the statutes of 2002 and by section 117 of chapter 7 of the statutes

of 2021, section 25 of Order in Council 851-2001 dated 4 July 2001, respecting Ville de Trois-Rivières, amended by section 49 of chapter 68 of the statutes of 2002 and by section 118 of chapter 7 of the statutes of 2021, and section 12 of Order in Council 1478-2001 dated 12 December 2001, respecting Ville de Rouyn-Noranda, amended by section 51 of chapter 68 of the statutes of 2002 and by section 119 of chapter 7 of the statutes of 2021, continue to apply, as they read on 24 March 2025, to any by-law adopted before 25 March 2025.

Subparagraph 4 of the sixth paragraph of section 93 of the Act to amend various legislative provisions with respect to housing (2024, chapter 2), amended by section 179 of chapter 24 of the statutes of 2024, as it reads on 24 March 2025, continues to apply to any resolution adopted before 25 March 2025.

**99.** Sections 107.1 and 107.2 of the Cities and Towns Act (chapter C-19) continue to apply, as they read on 24 March 2025, with respect to any chief auditor appointed before 25 March 2025.

**100.** Sections 124.1 and 175.1 of the Act respecting municipal territorial organization (chapter O-9), enacted by sections 79 and 81 of this Act, do not apply to a payment the amount of which was confirmed to a municipality before 1 January 2026.

**101.** The Minister of Municipal Affairs, Regions and Land Occupancy pays to the municipalities resulting from an amalgamation for which the amalgamation order came into force after 31 December 2015, to the extent that the total of the amounts paid to them under section 254 of the Act respecting municipal taxation (chapter F-2.1) or the Regulation respecting the equalization scheme (chapter F-2.1, r. 11) for the 2025 fiscal period is less that the total of the amounts that would have been established for that fiscal period with respect to each of those municipalities had the amalgamation not taken place, an amount equal to the difference between those totals.

**102.** The provisions of this Act come into force on 25 March 2025, except

(1) the provisions of section 1, except insofar as they enact sections 142, 145, 148, 158, 161, 165, 175, 178, 185, 187, 192, 199, 228, 237, 245 to 247, 251 to 253, 256, 258 and 260 of the Act respecting contracting by municipal bodies (2025, chapter 4, section 1), which come into force on the date or dates to be set by the Government;

(2) the provisions of sections 3 to 11, 13 to 22 and 36, and of paragraph 1 of section 38, which come into force on 25 September 2025; and

(3) the provisions of sections 79 and 81, which come into force on 1 January 2026.

107410

# NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-THIRD LEGISLATURE

Bill 86
(2025, chapter 5)

## An Act to ensure the long-term preservation and vitality of agricultural land

**Introduced 5 December 2024**
**Passed in principle 5 February 2025**
**Passed 20 March 2025**
**Assented to 25 March 2025**

**Québec Official Publisher**
**2025**

**EXPLANATORY NOTES**

*The main purpose of this Act is to promote the preservation of agricultural land and to ensure its vitality.*

*The Act amends the Act respecting the preservation of agricultural land and agricultural activities to establish a mechanism for monitoring certain agricultural land rights and a control regime for certain acquisitions of farm land. It also establishes a regime of monetary administrative penalties. In addition, it raises the amounts of the fines and provides for aggravating factors for the purposes of determining the penalty in the case of penal proceedings.*

*The Act reviews certain criteria that must be taken into consideration by the Commission de protection du territoire agricole du Québec when analyzing applications for authorization, in addition to adding various criteria that the commission may take into account in the analysis of such applications. The Act provides that a minimum duration is applicable to the decisions of the commission in relation to a farm tourism-related use. It also grants the commission the power to determine, by regulation, that certain other uses which do not cause the boundaries of the agricultural zone or of the urbanization perimeter to be extended are not considered to be an application for exclusion.*

*The Act amends various rules relating to applications of collective scope that a regional county municipality or a community may submit to the commission for the purpose of determining in which cases and under which conditions new uses of land for residential purposes may be introduced in an agricultural zone. It also modifies various rules regarding applications for exclusion. It prescribes the content of such applications and specifies, as a condition of admissibility, that the applications must be consistent, in particular, with the RCM land use and development plan, the metropolitan land use and development plan, the interim control measures in force in the territory of the regional county municipality or community and the government policy directions on land use planning.*

*The Act makes the imposition of impact reduction measures mandatory where the Government decides to authorize the use of a lot for purposes other than agriculture or to exclude a lot from the agricultural zone. It also grants the Government the power, subject*

*to certain terms, to include a lot in an agricultural zone with the consent of that lot's owner.*

*The Act amends certain provisions relating to the separation distance requirements and broadens immunity from civil suits due to lights, fumes, vibrations or insects resulting from agricultural activities.*

*The Act expressly provides for the appointment of inspectors, clarifies the rules applicable to inspections and investigations, and provides for new powers in that respect. It also provides for the rules applicable to the evidence on the basis of which the Administrative Tribunal of Québec renders its decision in the event that an order or decision of the commission is contested.*

*The Act reviews the cases in which an alienation, a subdivision or the erection of a residence are presumed to be in accordance with the Act respecting the preservation of agricultural land and agricultural activities. It also prohibits the erection, without the authorization of the commission, of an additional residence, of an additional dwelling or of any additional building in which a dwelling is built on the surface of a lot that has acquired residential rights. In addition, it specifies the use that may be made, without the authorization of the commission, on the surface of a lot that has an acquired right for a public utility purpose and provides for the cases and conditions enabling such an acquired right to be extinguished.*

*The Act grants new regulatory powers by allowing the Government to determine the cases and the conditions where new uses for a purpose other than agriculture may be implemented without the authorization of the commission. It extends the period of validity of permits relating to the removal of topsoil and provides for the power of the commission to cancel such a permit at the request of the holder when the holder has ceased their activities. Furthermore, the Act sets out cases in which a decision of the commission authorizing a use for a purpose other than agriculture, the felling of maple trees, a subdivision, an acquisition or an alienation becomes null.*

*The Act amends the Act respecting the acquisition of farm land by non-residents to grant the Government the power to lower, by regulation, the threshold of four hectares required to subject the acquisition of farm land by a non-resident to the authorization of the commission. It also establishes the circumstances in which an authorization of the commission is necessary where a person who does not reside in Québec acquires shares in a business corporation one of whose assets is farm land. The Act also reviews certain criteria*

*for analyzing applications for authorization regarding the acquisition of farm land by non-residents and increases the applicable fines. It also provides for the applicable inspection regime in order to oversee the application of that Act.*

*The Act introduces an amendment to the Act respecting land use planning and development by exempting certain new hog farms from the mandatory public consultation process. It also raises the threshold of the annual production of phosphoric anhydride required for such a consultation to be held as regards projects for the enlargement of existing hog farms as well as the time limit where the increase in production results from the combination of more than one application.*

*With respect to the Act respecting municipal taxation, the Act introduces, among other things, the power for a municipality to impose, by by-law, a tax on any unit of assessment that includes workable but unworked agricultural land as well as cases of exemption. That taxation power is also introduced into various municipalities' constituting Acts.*

*The Act also amends the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation to grant the Minister the power to enter into, with the authorization of the Government, any agreement to allow the transfer of a lot under the Minister's authority to an organization, trust or foundation whose mission is to ensure the preservation of agricultural lands. The Act also entrusts the Minister with the management of an agricultural innovation park. It allows the Minister to entrust any body the Minister designates with the management and carrying out of the park and sets out the body's obligations. It further provides that the Government determines the lands which will make up the agricultural innovation park.*

*Lastly, the Act contains consequential, transitional and final provisions.*

**LEGISLATION AMENDED BY THIS ACT:**

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

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

– Act respecting registry offices (chapter B-9);

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

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

– Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (chapter M-14);

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

– Act to amend the charter of the City of Laval (1996, chapter 84);

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

– 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 Municipalité de Wentworth-Nord (2004, chapter 46);

– Act respecting Ville de Mont-Saint-Hilaire (2009, chapter 72);

– Act respecting Municipalité de Sainte-Anne-de-Sorel (2016, chapter 37).

**REGULATION AMENDED BY THIS ACT:**

– Regulation respecting an application for authorization and the information and documents required for the application (chapter A-4.1, r. 2).

**REGULATION REPEALED BY THIS ACT:**

– Regulation respecting fees of experts and investigators whose services the Commission de protection du territoire agricole du Québec considers expedient to retain (chapter P-41.1, r. 3).

# Bill 86

## AN ACT TO ENSURE THE LONG-TERM PRESERVATION AND VITALITY OF AGRICULTURAL LAND

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE ACQUISITION OF FARM LAND BY NON-RESIDENTS

**1.** Section 1 of the Act respecting the acquisition of farm land by non-residents (chapter A-4.1) is amended

(1) in the definition of "acquisition",

(*a*) by replacing "conveyance resulting from" in paragraph 2 by "acquisition, by agreement or by expropriation, made following the service of a notice of expropriation under";

(*b*) by striking out paragraph 4;

(2) in the definition of "farm land",

(*a*) by replacing "of not less than four hectares" by "equal to or greater than four hectares or than any other smaller area that the Government may determine by regulation";

(*b*) by inserting ", a railway, a public utility right of way or the surface of a lot in respect of which there exists a right recognized under Chapter VII of the Act respecting the preservation of agricultural land and agricultural activities" at the end.

**2.** Section 10 of the Act is amended by replacing "whose principal asset is" by "one of whose assets is".

**3.** Section 15 of the Act is amended by replacing "or the raising of livestock" by ", the pasture of animals or the production of maple syrup".

**4.** Section 15.1 of the Act is amended by replacing "or the raising of livestock" by ", the pasture of animals or the production of maple syrup".

**5.** Section 15.2 of the Act is amended by replacing "or the raising of livestock" by ", the pasture of animals or the production of maple syrup".

**6.** Section 15.3 of the Act is amended by replacing "or the raising of livestock" in the first paragraph by ", the pasture of animals or the production of maple syrup".

**7.** Section 16 of the Act is amended

(1) by replacing "cultivate the soil or raise livestock" in paragraph 1 by "carry out an agricultural project";

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

"(1.1) the soil capability of the lot and of the neighbouring lots;

"(1.2) the possible uses of the farm land for agricultural purposes;";

(3) by inserting the following paragraph after paragraph 4:

"(4.1) the concentration of farm land ownership and access to farm land for the next generation of farmers; and".

**8.** Section 29 of the Act is amended

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

"(4) hinders, in any way, an inspector or investigator in the performance of their functions, impedes them or misleads them by an act, concealment, omissions or misrepresentations; or";

(2) by striking out "hinders the application of this Act," in paragraph 5.

**9.** Section 31 of the Act is amended by striking out the first paragraph.

**10.** The Act is amended by inserting the following sections after section 31:

"**31.1.** Every person who commits an offence described in paragraph 1 of section 29 is liable to a fine of $1,000 to $10,000 in the case of a natural person and $2,000 to $20,000 in the case of a legal person.

"**31.2.** Every person who commits an offence described in paragraph 4 of section 29 is liable to a fine of $2,500 to $25,000 in the case of a natural person and $5,000 to $50,000 in the case of a legal person.

"**31.3.** Every person who commits an offence described in paragraph 5 of section 29 is liable to a fine of $10,000 to $100,000 in the case of a natural person and $20,000 to $200,000 in the case of a legal person.

"**31.4.** The minimum and maximum fines prescribed by this Act are doubled for a second offence and tripled for a third or subsequent offence."

**11.** Section 34 of the Act is amended

(1) by inserting "10.1," after "8,";

(2) by replacing ", 18.6" by "to 18.9".

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

**12.** Section 165.4.2 of the Act respecting land use planning and development (chapter A-19.1) is amended, in the second paragraph,

(1) in subparagraph 1,

(*a*) by inserting "the addition, in the territory of the municipality, of" after "concerns";

(*b*) by replacing "in the territory of the municipality" by "using solid manure management with an anticipated annual production of phosphoric anhydride of more than 1,600 kilograms";

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

"(1.1) if the application concerns the addition, in the territory of the municipality, of a new hog farm using liquid manure management; and";

(3) by replacing "3,200" and "five" in subparagraph 2 by "4,200" and "10", respectively.

ACT RESPECTING REGISTRY OFFICES

**13.** The Act respecting registry offices (chapter B-9) is amended by inserting the following section after section 13:

"**14.** To ensure the application of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), the Land Registrar collects the information that is sent to the registrar under section 79.0.1 of that Act and makes the information available to the Commission de protection du territoire agricole du Québec, according to the terms and conditions agreed on with the latter."

CHARTER OF VILLE DE LONGUEUIL

**14.** Section 49 of Schedule C to the Charter of Ville de Longueuil (chapter C-11.3) is amended by adding the following paragraph at the end:

"However, for the purposes of section 486.1 of the Cities and Towns Act (chapter C-19), enacted for Ville de Saint-Hubert by section 23 of the Act respecting Ville de Saint-Hubert, no surtax may be imposed on land on which a tax is imposed under section 244.75 of the Act respecting municipal taxation (chapter F-2.1)."

ACT RESPECTING MUNICIPAL TAXATION

**15.** The Act respecting municipal taxation (chapter F-2.1) is amended by inserting the following section after section 57.2:

"**57.3.** The roll of a local municipality which adopts a resolution to that effect must identify each unit of assessment that includes workable but unworked agricultural land.

"Workable but unworked agricultural land" means any land that, taking into account the biophysical conditions of the soil and of the environment, is suitable for the cultivation of the soil and plants or for the pasture of animals, without being the subject of such activities, and that is included in a reserved area or an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).

Workable but unworked agricultural land is not identified on the roll if it

(1) forms part of a unit of assessment included, in whole or in part, in an agricultural operation registered in accordance with section 36.0.1 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (chapter M-14);

(2) forms part of a unit of assessment covered, in whole or in part, by a forest producer's certificate issued under section 130 of the Sustainable Forest Development Act (chapter A-18.1);

(3) constitutes a forest environment in respect of which no forest producer's certificate has been issued;

(4) constitutes a wetland or body of water within the meaning of section 46.0.2 of the Environment Quality Act (chapter Q-2);

(5) is the subject of a ban on all agricultural use under an order, regulation or Act;

(6) is the subject of a right of use for a use other than agricultural under the Act respecting the preservation of agricultural land and agricultural activities;

(7) constitutes the site of a building, if the building has a value equal to or greater than $10,000; or

(8) has an area not exceeding one-half hectare.

In the case of a unit of assessment that includes workable but unworked agricultural land and that is non-taxable, the roll identifies it only if

(1) property taxes must be paid in respect of the unit in accordance with the first paragraph of section 208; or

(2) a sum to stand in lieu of property taxes must be paid in respect of the unit, either by the Government pursuant to the second paragraph of section 210 or by the Crown in right of Canada or one of its mandataries.

The fourth and fifth paragraphs of section 57.1.1 apply, with the necessary modifications, where a resolution is adopted under the first paragraph."

**16.** Section 174 of the Act is amended by inserting the following paragraph after paragraph 13.2:

"(13.3) with regard to section 57.3, to add a particular unduly omitted or strike out a particular unduly entered and, provided the roll is required to contain such information, to take account of the fact that a unit of assessment becomes or ceases to be subject to that section;".

**17.** The Act is amended by inserting the following division after section 244.74:

"**DIVISION III.7**

"TAX ON WORKABLE BUT UNWORKED AGRICULTURAL LANDS

"**244.75.** A municipality whose roll identifies workable but unworked agricultural lands in accordance with section 57.3 may, for a fiscal year, impose, by by-law, a tax on any unit of assessment that includes such land. The by-law may provide for cases of exemption from the tax.

"**244.76.** Subject to Division IV.3 of this chapter, the tax is based on the taxable value of the workable but unworked agricultural land.

"**244.77.** The rate fixed by the municipality in respect of the tax may not, for a fiscal year, be more than three times the general property tax rate or, if the municipality imposes various general property tax rates under section 244.29, three times the basic general property tax rate for that year.

"**244.78.** A tax imposed under section 244.75 does not give entitlement to the payment of a sum or amount determined under Division V of this chapter."

ACT RESPECTING THE MINISTÈRE DE L'AGRICULTURE, DES PÊCHERIES ET DE L'ALIMENTATION

**18.** Section 2 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (chapter M-14) is amended, in the first paragraph,

(1) by inserting ", organizations, trusts, foundations" after "cooperatives" in subparagraph 5;

(2) by inserting the following subparagraph after subparagraph 6.2:

"(6.3) he may, with the authorization of the Government, enter into any agreement to allow the transfer of a lot under his authority to an organization, trust or foundation whose mission enables the preservation of agricultural lands to be ensured;".

**19.** The Act is amended by inserting the following heading before section 23:

"§1. — *General provisions*".

**20.** The Act is amended by inserting the following subdivision after section 26:

"§2. — *Special provisions relating to the agricultural innovation park*

"**26.1.** The Minister assumes the direction of an agricultural innovation park whose mission is to protect the farm land that makes up the park and to encourage the implementation, in the park, of models and of innovative practices in agriculture.

For that purpose, the Minister or, where applicable, the body designated by the Minister under the first paragraph of section 26.2 prepares a master plan establishing, among other things, the strategic orientations and objectives and the agricultural innovation park's priorities for action and making it possible to carry out projects. The master plan must be updated every five years.

"**26.2.** The Minister may, on the conditions the Minister determines, entrust any body the Minister designates with the management and carrying out of the agricultural innovation park.

In that case, the body ensures the implementation of the master plan. The master plan and its five-year updates are approved by the Minister. The body exercises its responsibilities in accordance with the orientations and directives set out for it by the Minister.

"**26.3.** The books and accounts of the body are audited every year by external auditors. The remuneration of the external auditors is borne by the body.

"**26.4.** Within four months after the end of each fiscal year, the body must send the Minister the audit report on its books and accounts, its financial statements and an activity report. The financial statements and activity report must contain all the information required by the Minister.

"**26.5.** Before the beginning of each fiscal year, the body sends its budget estimates for the following fiscal year to the Minister in the manner prescribed by the Minister.

The body also communicates to the Minister any information relating to the agricultural innovation park.

"**26.6.** The Government determines the lands that constitute the agricultural innovation park."

ACT RESPECTING THE PRESERVATION OF AGRICULTURAL LAND AND AGRICULTURAL ACTIVITIES

**21.** Section 1 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) is amended

(1) in the first paragraph,

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

"(1.1) "farm tourism" means a tourism activity that is complementary to agriculture, carried on on a farm and that brings farm producers together with tourists or excursionists so that they may discover the farming environment, agriculture and agricultural production through the welcome and information their host provides;";

(*b*) in subparagraph 3,

i. by inserting "boundary determination, judicial acquisition of a right of ownership by prescription," after "superficies,";

ii. by replacing ", transfer of a right referred to in section 15 of the Act respecting natural gas storage and natural gas and oil pipelines (chapter S-34.1) and transfer of timber limits under the Lands and Forests Act (chapter T-9)" by "and transfer of a right referred to in section 15 of the Act respecting natural gas storage and natural gas and oil pipelines (chapter S-34.1)";

iii. by inserting the following subparagraph at the end:

"(*d*) the exercise of civil forfeiture or administrative forfeiture under the Act respecting the forfeiture, administration and appropriation of proceeds and instruments of unlawful activity (chapter C-52.2);";

(*c*) by inserting the following subparagraph after subparagraph 12:

"(12.1) "regional characteristics" means the characteristics of a territory, in particular as expressed in a land use planning or agriculture-related plan having an impact on the dynamics and issues relating to the preservation of agricultural land and agricultural activities;";

(2) by replacing "A forest stand identified by the letters ER, ERFI, ERFT, ERBB, ERBJ or ERO on the forest inventory maps drawn up by the Ministère des Ressources naturelles et de la Faune" in the second paragraph by "A hardwood forest stand whose estimated basal area of sugar or red maples identified in the most recent ecoforest inventory of the Ministère des Ressources naturelles et de la Faune is 40% or more".

**22.** Section 3 of the Act is amended, in the second paragraph,

(1) by inserting ", acquisition" after "subdivision" in subparagraph *a*;

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

"(*c*.1) to monitor the rights registered in the land register in accordance with Division VI of Chapter II;".

**23.** Section 10 of the Act is amended

(1) by striking out the second sentence in the first paragraph;

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

"It may engage or retain the services of such inspectors as are necessary for the application of this Act or of any other Act whose application it is responsible for overseeing and of the regulations, as well as such investigators as are necessary for investigating any matter relating to those Acts and the regulations.";

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

"The commission may provide for the remuneration of those experts, investigators and inspectors who are not appointed pursuant to the Public Service Act (chapter F-3.1.1)."

**24.** The Act is amended by inserting the following sections after section 10:

"**10.1.** Inspectors and investigators must, on request, provide identification and produce the certificate issued by the commission attesting their capacity.

No judicial proceedings may be brought against inspectors or investigators for an act or omission made in good faith in the exercise of their functions.

"**10.2.** The commission may enter into an agreement with a municipality or community establishing an inspection program regarding the application of this Act. The agreement shall determine the manner in which the program is to be implemented and financed.

Inspectors appointed by the commission under an agreement referred to in the first paragraph have the same powers and obligations and enjoy the same immunity as inspectors appointed by the commission under this Act."

**25.** Section 11 of the Act is amended

(1) by inserting ", except for an impact reduction measure referred to in the second paragraph of section 66" at the end of the first paragraph;

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

"Where a decision pertaining to a farm tourism-related use has a condition attached to it regarding the duration of the use, that condition may not be imposed for less than 10 years."

**26.** Section 12 of the Act is amended by replacing the last sentence of the first paragraph by the following sentence: "For that purpose, it must also take into consideration the context of the regional characteristics when proof is submitted to it in that respect."

**27.** Section 14 of the Act is amended, in the first paragraph,

(1) by replacing "for such time as it determines" by "within the time it determines or for a specified period of time" in the introductory clause;

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

"(5) to not file a new application for authorization;

"(6) to demonstrate that he is complying with the order."

**28.** Section 14.1 of the Act is amended by inserting "in urgent circumstances, if there is a danger of irreparable damage being caused to agricultural land or" after "Except" in the first paragraph.

**29.** Section 16 of the Act is amended by replacing "done" by "performed or omitted".

**30.** The Act is amended by inserting the following sections after section 18.6:

"**18.7.** Inspectors may, at any reasonable time, enter on a lot situated in an agricultural zone or enter any building or vehicle located on that lot to examine that lot, building or vehicle, hereinafter called "the premises", and carry out an inspection of them. Inspectors may, in such cases

(1) collect soil samples, conduct tests and perform analyses;

(2) carry out any necessary excavation to assess the state of the premises;

(3) install measuring apparatus necessary for taking measurements on the premises and subsequently remove the apparatus;

(4) take photographs or make recordings of the premises;

(5) access a facility, including a secure facility, found on the premises;

(6) use any computer, equipment or other thing that is on the premises to access data relating to the application of this Act that is contained in an electronic device, computer system or other medium or to inspect, examine, process, copy or print out such data;

(7) require the provision of any information relating to the application of this Act or of the regulations, and the communication of any relevant documents for examination, recording or reproduction; and

(8) be accompanied by any person whose presence is considered necessary for the purposes of the inspection, who may then exercise the powers set out in subparagraphs 1 to 7.

No judicial proceedings may be brought against a person referred to in subparagraph 8 of the first paragraph for an act performed or omitted in good faith in the exercise of his functions.

For the purposes of the first paragraph, inspectors may enter a dwelling house only with the authorization of the occupant.

"**18.8.** The owner of a lot being inspected and any person found there must lend assistance to the inspectors in performing their duties.

The obligation set out in the first paragraph also applies to persons accompanying inspectors under subparagraph 8 of the first paragraph of section 18.7.

"**18.9.** Inspectors may, by a request delivered by any means that allows proof of receipt at a specific time, require any person or partnership to communicate, within the time and according to the conditions they specify, any information or documents relating to the application of this Act or the regulations."

**31.** Section 19 of the Act is amended

(1) by striking out the last sentence of the first paragraph;

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

**32.** Section 21.1 of the Act is amended by adding the following paragraph at the end:

"The Tribunal renders its decision on the basis of the evidence contained in the file transmitted to it by the commission and after giving the parties the opportunity to be heard."

**33.** Section 27 of the Act is amended

(1) by replacing ", nor fell maple trees there, except for the purposes of selection or thinning within the framework of forest management" by "than maple syrup production";

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

"The felling of maple trees without the authorization of the commission is prohibited, except for the purposes of selection or thinning within the framework of forest management or for the construction of a sugar shack."

**34.** Section 30 of the Act is amended, in the first paragraph,

(1) by replacing "to section 28 or 29" by "of section 28 or 29 as well as an acquisition made in contravention of section 79.0.6";

(2) by replacing the second occurrence of "or alienation" by ", alienation or acquisition".

**35.** The Act is amended by inserting the following section before section 58:

"**57.1.** For the purposes of this subdivision and of subdivisions 3.1 and 4 of Division IV of this Act, a resolution granting authorization under section 145.34 or section 145.38 of the Act respecting land use planning and development (chapter A-19.1) is considered to be a zoning by-law."

**36.** Section 58 of the Act is amended

(1) by striking out "local municipality in whose territory the lot is situated, and forward a copy of the application to the" in the first paragraph;

(2) in the second paragraph,

(*a*) by striking out "regional county";

(*b*) by inserting "wishing to have a lot included in an agricultural zone or" after "public services";

(*c*) by striking out "local municipality in whose territory the lot is situated, and forward a copy of the application to the";

(3) by striking out the third paragraph.

**37.** Section 58.1 of the Act is amended

(1) by replacing the first sentence of the first paragraph by the following sentences: "Upon receipt of the application, the commission shall notify the local municipality and the certified association of the date of such receipt. It shall make a copy of the application available to them.";

(2) by replacing "within 45 days of receiving the application, transmit it to the commission furnishing" in the second paragraph by "within 60 days of receiving the notice of the commission provided for in the first paragraph, send the commission";

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

"The certified association may, within 60 days of receiving the notice of the commission provided for in the first paragraph, make a recommendation to the commission regarding the application."

**38.** Section 58.2 of the Act is amended

(1) by inserting "of the local municipality" after "The recommendation";

(2) by inserting "the regional characteristics and" after "consideration";

(3) by striking out ", that could meet the applicant's needs".

**39.** Section 58.3 of the Act is amended by replacing "45" by "60".

**40.** Section 58.4 of the Act is amended

(1) in the first paragraph,

(*a*) by striking out "or third";

(*b*) by replacing "45" by "60";

(2) by inserting "and the regional characteristics" at the end of the second paragraph.

**41.** Section 58.5 of the Act is amended

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

"An application is admissible if the commission has received a statement as to whether the application is consistent with the zoning by-law of the local municipality, or, if applicable, with the interim control measures.";

(2) by replacing "An application" in the introductory clause of the second paragraph by "If the commission has received a statement indicating that the application is inconsistent, the application";

(3) in the third paragraph,

(*a*) by striking out "also";

(*b*) by inserting ", unless it concerns the erection of a residence for a producer or for the producer's child, employee, shareholder or partner" at the end.

**42.** The Act is amended by inserting the following section before section 59:

"**58.7.** For the purposes of the fourth paragraph of section 59, the first paragraph of section 61.1, paragraph 1 of section 61.2, subparagraph 1 of the first paragraph of section 61.3, subparagraph 5 of the second paragraph of section 62 and the first paragraph of section 65.1, the Government establishes groups of regional county municipalities taking into consideration the government policy directions referred to in subparagraph 1 of the first paragraph of section 1.2 of the Act respecting land use planning and development (chapter A-19.1). The Government determines which regional county municipalities are included in those groups as well as the provisions that are applicable to them.

The Government may only modify the groups or the municipalities included in them when changes are made to the government policy directions or when new policy directions are taken.

Before establishing the groups of municipalities and designating which municipalities are to be included in those groups, the Government shall publish in the *Gazette officielle du Québec* a notice indicating, among other things, its intention, the time period at the expiry of which the decree may be made and the fact that any interested person may, during that time period, send comments to the person designated within the notice.

The decree referred to in the first paragraph comes into force on the date indicated in the decree. It shall be published in the *Gazette officielle du Québec*.

For the purposes of this section, "regional county municipality" also designates cities and agglomerations exercising certain powers of a regional county municipality."

**43.** Section 59 of the Act is amended

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

"In the territory of a municipality included in any of the groups identified in the decree made under section 58.7, the application must also concern:

(1) lots presenting significant constraints for the practice of agricultural activities situated outside a dynamic agricultural land use sector identified in the RCM land use and development plan, in the metropolitan land use and development plan or in a draft amendment or revision of such a plan; or

(2) lots adjacent to a public road and served by public water and sanitary sewer services.";

(2) in the fourth paragraph,

(*a*) by replacing "sections 61.1 and" by "section";

(*b*) by adding the following sentence at the end: "If this is not a first application, the application must be submitted together with a report on the building permits issued under any previous decision of collective scope.";

(3) by replacing the fifth paragraph by the following paragraphs:

"An application of collective scope is admissible if the commission has received a statement indicating that the application is consistent with the RCM land use and development plan, the metropolitan land use and development plan and, if applicable, with the interim control measures in force in the territory of the regional county municipality or the community.

The application is also admissible upon receipt of a statement from the Minister of Municipal Affairs, Regions and Land Occupancy indicating that the application is consistent with the government policy directions relating to a draft amendment to the RCM land use and development plan or to the metropolitan land use and development plan."

**44.** Section 59.2 of the Act is amended by inserting ", in particular with regard to the residential occupancy in the territory of the regional county municipality or the community" after "agricultural zone".

**45.** Section 59.3 of the Act is amended

(1) by replacing "the examination of any individual application concerning a new land use for residential purposes in the agricultural zone for which the application of collective scope has been made, for a period of six months or until the date of any decision it may make within that time" by "the examination of any individual application concerning a new land use for residential purposes in the agricultural zone for which the application of collective scope has been made, for a maximum period of 36 months";

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

"The commission may resume the examination of the individual application before the expiry of that period from the date of coming into force of the

authorizations granted in the decision of collective scope or as soon as the examination of the application of collective scope is ended."

**46.** The Act is amended by inserting the following sections after section 59.3:

"**59.4.** Where the commission renders a decision of collective scope in respect of the territory of a regional county municipality or community for which such a decision has already been rendered, it may, in addition to disposing of the application submitted to it, render a decision that restates, in whole or in part, the content of any previous decision of collective scope applicable to that territory. That decision shall then prevail over all or part of the previous decisions whose content was restated in the new decision.

The provisions of section 62.6 shall then apply to such a decision.

"**59.5.** No new application of collective scope in respect of the territory of a regional county municipality or a community may be submitted to the commission, except if the commission grants permission to do so, where the application is based on a provision of the third or fourth paragraphs of section 59 for which the commission has already rendered a decision prior to the revision of the RCM land use and development plan or of the metropolitan land use and development plan following that decision.

Section 18.6 applies, with the necessary modifications, to an application for permission made under the first paragraph."

**47.** Section 60.1 of the Act is amended by inserting "before rendering a decision that is unfavourable or to which conditions are attached" at the end of the first paragraph.

**48.** Section 61.1 of the Act is amended

(1) in the first paragraph,

(*a*) by replacing "community, census agglomeration or census metropolitan area as defined by Statistics Canada" by "regional county municipality included in any of the groups identified in the decree made under section 58.7 or on a lot situated in the territory of a community";

(*b*) by replacing "the applicant must first demonstrate that there is no appropriate available area elsewhere in the territory of the local municipality, outside the agricultural zone, that is suitable for the purposes for which the application is made" by "the commission must, in addition to the criteria set out in section 62, take into consideration whether there is an appropriate available area elsewhere in the territory of the local municipality outside the agricultural zone";

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

"However, the commission is not required to take into consideration the existence of such an appropriate available area if it is demonstrated to the commission that it would be impossible to implement the type of use intended there."

**49.** Section 61.1.1 of the Act is amended by replacing "concerning a destructured tract of land" by ", or to an application that concerns the construction of a residence for a producer or for the producer's child, employee, shareholder or partner".

**50.** Section 61.2 of the Act is replaced by the following sections:

"**61.2.** An application for authorization whose object is to introduce a new use for institutional, commercial or industrial purposes or to implement several new residential uses is considered to be an application for exclusion in any of the following cases:

(1) it concerns the territory of a regional county municipality included in any of the groups identified in the decree made under section 58.7 and the lot is contiguous to the boundaries of an agricultural zone; or

(2) it concerns a lot contiguous to the boundaries of an urbanization perimeter.

"**61.3.** The commission must satisfy itself that the authorization of an application whose object is to introduce a new use for institutional, commercial or industrial purposes, or to implement several new residential uses, would not, should it be granted, cause the boundaries of the agricultural zone to be changed or an urbanization perimeter to be extended in any of the following cases:

(1) the application concerns the territory of a regional county municipality included in any of the groups identified in the decree made under section 58.7 and the lot is situated close to the boundaries of an agricultural zone; or

(2) the application concerns a lot situated close to the boundaries of an urbanization perimeter.

If the commission is not so satisfied, the application is considered to be an application for exclusion.

"**61.4.** Sections 61.2 and 61.3 do not apply to the construction of public roads, private access roads, walkways, bicycle paths, conduits, railways, power transmission or communication lines, aerated ponds, water retention basins, noise barrier walls, erosion protection works, flood protection works, municipal drinking water withdrawal facilities and pumping stations, as well as their accessories, to temporary uses or uses that are exclusively aimed at the protection or conservation of natural settings, or to the implementation or expansion of a farm tourism-related use or the enlargement or conversion of an area for which a right is recognized under Chapter VII.

The commission may, by regulation, determine that certain other uses that do not cause the boundaries of the agricultural zone or of the urbanization perimeter to be extended shall not be considered to be an application for exclusion, in the cases and on the conditions that it may determine.

"**61.5.** Where an application is considered to be an application for exclusion under section 61.2 or 61.3, the commission may not authorize a use for a purpose other than agriculture for the purposes for which the application is made."

**51.** Section 62 of the Act is amended

(1) in the second paragraph,

(*a*) by replacing "census agglomeration or a census metropolitan area as defined by Statistics Canada or a lot situated in the territory of a community" in subparagraph 5 by "regional county municipality included in any of the groups identified in the decree made under section 58.7 or a lot situated in the territory of a community";

(*b*) by replacing subparagraph 7 by the following subparagraph:

"(7) the impact, on agriculture, of the preservation of certain resources, including water and soil, in the territory of the local municipality and in the region;";

(*c*) by replacing "economic development of the region" and "by a municipality, community, public body or agency providing public utility services" in subparagraph 9 by "sustainable development of the territory" and "to the commission", respectively;

(*d*) by replacing "viability" and "justified by the low population density of the region" in subparagraph 10 by "vitality" and "such vitality is low, upon proof submitted to the commission", respectively;

(*e*) by adding the following subparagraphs at the end:

"(12) the impact of a farm tourism-related use on the viability of the farming operation through the enhancement of its agricultural products or the development of the agricultural sector;

"(13) the dynamism of the agricultural land;

"(14) the content of a statement indicating that the application is inconsistent with the RCM land use planning and development plan and with the provisions of the complementary document or with the metropolitan land use and development plan or with the interim control measures.";

(2) in the third paragraph,

(*a*) by replacing subparagraph 1 by the following subparagraph:

"(1) a statement indicating that the application is inconsistent with the zoning by-law or with the interim control by-law of the local municipality received after the 60-day time limit provided for in section 58.3;";

(*b*) by adding the following subparagraphs at the end:

"(3) the past conduct, as regards the preservation of agricultural land or the protection of the environment, of the applicant or of a person related to the applicant or, if the applicant is a legal person or a partnership, of one of its directors, officers, shareholders, members or representatives or of a legal person or partnership related to them;

"(4) the fact that the applicant proposes to include a lot in the agricultural zone.";

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

"The Government may, by regulation, define "related person", "related legal person" or "related partnership"."

**52.** The Act is amended by inserting the following section after section 62.1:

"**62.2.** Where an application concerns the construction of a residence for a producer or for the producer's child, employee, shareholder or partner, the commission must, before considering the criteria set out in section 62, take into consideration

(1) the profitability, sustainability and viability of the agricultural operation;

(2) the principal occupation of the occupant for whom the residence will be built, in the case of a residence for a producer or for the producer's child, shareholder or partner; and

(3) the labour needs of the agricultural operation, in the case of a dwelling for an employee assigned to the operation's agricultural activities."

**53.** The Act is amended by inserting the following sections after section 64:

"**64.1.** A decision of the commission authorizing a use for a purpose other than agriculture or authorizing the felling of maple trees becomes null five years after having been rendered if, within that time, the use so authorized has not begun.

The use is deemed never to have begun where the lot concerned by the authorization was uncropped at the time of the authorization of the commission and remained uncropped for five years following that authorization, except if the authorized use involves leaving the lot uncropped.

A decision of the commission authorizing a subdivision, acquisition or alienation becomes null five years after having been rendered if, within that time, the application for registration of the act confirming that subdivision, alienation or acquisition has not been filed with the Land Registry Office.

When rendering its decision, the commission may modify the time limit where circumstances warrant it.

This section does not apply to a decision of the commission rendered following an application of collective scope made under section 59 or following an application concerning a public utility use filed by a municipality, a community, a department, a public agency or an agency providing public utility services.

"**64.2.** The commission may annul a decision it has rendered before the expiry of the five-year time limit provided for in the first, second and third paragraphs of section 64.1, at the request of the recipient or the owner of the lot to which the decision applies. Where it annuls a decision, the commission must take into consideration sections 12 and 62.

The commission must give the applicant and any interested person the opportunity to present observations.

The commission must, before rendering a decision, notify the applicant in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow the applicant at least 10 days to present observations.

The commission shall render a substantiated decision and send it to the applicant, the owner of the immovable concerned and to any other interested person.

This section does not apply to a decision of the commission rendered following an application of collective scope submitted to it under section 59, nor to an application concerning a public utility use filed by a municipality, a community, a department, a public agency or an agency providing public utility services."

**54.** Section 65 of the Act is amended

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

"Upon receipt of the application, the commission shall notify the local municipality concerned or, if applicable, the local municipalities concerned as well as the certified association of the date of such receipt. It shall make a copy of the application available to them.";

(2) by replacing "45 days of receiving the copy of the application, transmit to the commission" in the fifth paragraph by "60 days of receiving the notice of the commission provided for in the third paragraph, send the commission";

(3) by inserting the following paragraph after the fifth paragraph:

"The certified association may, within 60 days of receiving the notice of the commission provided for in the first paragraph, make a recommendation to the commission regarding the application."

**55.** The Act is amended by inserting the following sections after section 65.0.1:

"**65.0.2.** Where the commission receives applications for inclusion and exclusion relating to the same project, it may, on its own initiative or on request, group together the applications so they are processed as a single file.

In the case where it receives such applications, if the commission does not authorize the application for exclusion, it may not authorize the application for inclusion.

"**65.0.3.** An application for exclusion is admissible if the commission has received a statement indicating that the application is consistent with the RCM land use and development plan, with the metropolitan land use and development plan and, if applicable, with the interim control measures in force in the territory of the regional county municipality or the community.

The application is also admissible upon receipt of a statement from the Minister of Municipal Affairs, Regions and Land Occupancy indicating that the application is consistent with the government policy directions relating to a draft amendment to the RCM land use and development plan or to the metropolitan land use and development plan which seeks to make the object of the application possible within the use concerned.

Is also admissible an application whose object is covered by a second draft by-law for the RCM land use and development plan or for the revised metropolitan land use and development plan that was adopted.

In every other case, the application for exclusion is inadmissible."

**56.** Section 65.1 of the Act is replaced by the following section:

"**65.1.** Where an application for exclusion concerns a lot situated in the territory of a regional county municipality included in any of the groups identified in the decree made under section 58.7, the commission must, in addition to the criteria set out in section 62, take into consideration whether there is an appropriate available area elsewhere in the territory of the regional county municipality outside the agricultural zone.

In every other case, the commission must, in addition to the criteria set out in section 62, take into consideration whether there is an appropriate available area elsewhere in the territory of the local municipality outside the agricultural zone.

The commission may also take into consideration whether there is an appropriate available area in a different territory if the commission has received a statement indicating that the RCM land use and development plan or the metropolitan land use and development plan is consistent with the government policy directions in which the different scale selected has been deemed appropriate in relation to the object of the application.

However, the commission is not required to take into consideration the existence of such an appropriate available area if it is demonstrated to the commission that it would be impossible to implement the intended use there."

**57.** Section 66 of the Act is amended

(1) by replacing "may" in the second paragraph by "must";

(2) by striking out the third paragraph.

**58.** The Act is amended by inserting the following section after section 66:

"**66.0.1.** Except for the purposes provided for in section 66, the Government may, with the consent of the owner and after obtaining the advice of the commission and of the regional county municipality, authorize the inclusion of a lot in an agricultural zone on such conditions as it may determine."

**59.** Section 66.1 of the Act is amended by adding the following sentence at the end: "The Minister may, for that same purpose, enter into agreements allowing the transfer of a lot over which the Minister has authority to an organization, a social or private trust, or a foundation whose mission is to ensure the preservation of farm land."

**60.** Section 67 of the Act is amended by replacing "24" in the third paragraph by "36".

**61.** Section 75 of the Act is amended by replacing "two" by "three".

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

"**77.1.** The commission may revoke the permit of any holder who informs the commission that he has definitively ceased his operations before the date of expiry of his permit if that holder demonstrated that he has restored the premises to their former condition as agricultural land, in accordance with the obligation the commission imposed on him under section 74.

The commission may, in such circumstances, order the remittance of the security to the holder in accordance with the regulation.

Sections 78 and 79 apply, with the necessary modifications, where the commission intends to refuse the revocation of the permit or where it renders a decision refusing such a revocation."

**63.** The Act is amended by inserting the following division after section 79:

"**DIVISION VI**

"MONITORING AND CONTROL OF CERTAIN AGRICULTURAL LAND RIGHTS

"§1. — *Monitoring certain rights registered in the land register*

"**79.0.1.** For the purpose of seeing to the application of this Act and the regulations, the commission shall monitor the rights, determined by government regulation, registered in the land register and pertaining to lots situated in agricultural zones.

To that end, a person who applies for the registration in the land register of a right referred to in the first paragraph must provide the information determined by government regulation using the form prescribed by the commission, either when presenting the application for registration of the right in the land register or, within 30 days following registration of the right, on the commission's website.

The regulation determines which information must be provided, the classes of persons responsible for obtaining, verifying or ensuring the accuracy of the information, and all terms relating to the information. The information may vary depending on the nature of the right for which registration is required.

In order to enable the Land Registrar to make the prescribed form available in the land register, the commission shall provide the Land Registrar with an up-to-date list of the lots situated in an agricultural zone and inform the Land Registrar of any modification to the list.

"**79.0.2.** The commission shall send the Minister, to enable him to develop any plan, project or program aimed at ensuring the preservation and development of agriculture, the information contained in the forms it receives, including personal information necessary for that purpose.

The information thus collected may, in the case of anonymized land registration information, be disseminated by the Minister on the department's website.

"§2. — *Control of certain acquisitions of farm land*

"**79.0.3.** For the purposes of this subdivision,

(1) "acquisition" means the act of becoming the owner of property by conveyance of ownership, including sale with a right of redemption, emphyteusis, alienation for rent, forced sale within the meaning of article 1758 of the Civil Code and sale for unpaid taxes, except by

(*a*) transmission owing to death;

(*b*) any acquisition, by agreement or by expropriation, made following the service of a notice of expropriation under the Act respecting expropriation (chapter E-25); or

(*c*) transfer of a right referred to in section 8 of the Mining Act (chapter M-13.1) or section 15 of the Act respecting natural gas storage and natural gas and oil pipelines (chapter S-34.1);

(*d*) the taking of property in payment; and

(2) "farm land" means land situated in an agricultural zone established under this Act, having an area equal to or greater than four hectares or any smaller area that the Government may determine by regulation and consisting of a single lot or several lots that are contiguous or that would be contiguous were they not separated by a public road, a railway, a public utility right of way or the area of a lot in respect of which there exists a right recognized under Chapter VII.

The definition set out in subparagraph 1 of the first paragraph also applies to sections 3, 30 and 64.2.

"**79.0.4.** The prohibitions provided for in this subdivision do not apply where the acquirer is a community, a department, a municipality, a public agency or the Government.

The Government may, by regulation, exempt other organizations dedicated to the preservation or development of the territory and of agricultural activities from the application of this subdivision.

"**79.0.5.** For the purposes of subparagraph 2 of the first paragraph of section 79.0.6, the Government establishes groups of regional county municipalities taking into consideration the government policy directions referred to in subparagraph 1 of the first paragraph of section 1.2 of the Act respecting land use planning and development (chapter A-19.1). The Government determines which regional county municipalities are included in those groups.

The second, third, fourth and fifth paragraphs of section 58.7 apply, with the necessary modifications.

"**79.0.6.** Except in the cases and according to the conditions that the Government may determine by regulation, it is prohibited to directly or indirectly acquire farm land without the authorization of the commission if

(1) the acquirer is an investment fund, as defined by government regulation;

(2) the acquirer is not an agricultural operation registered in accordance with section 36.0.1 of the Act respecting the Ministère de l'Agriculture, des

Pêcheries et de l'Alimentation (chapter M-14) and the farm land is situated in the territory of a metropolitan community or a regional county municipality included in any of the groups identified in the decree made under section 79.0.5 and is 1,000 metres or less from an urbanization perimeter; or

(3) the acquisition results in bringing the total area of the farm lands, regardless of their contiguity, of which the acquirer or a person related to the acquirer is the owner, to an area that is greater than the total or annual area determined by government regulation.

The Government may also, by regulation,

(*a*) determine that certain groups, trusts or entities constitute investment funds and make them subject to the application of the provisions of this division to the extent the Government determines;

(*b*) determine a distance other than that of 1,000 metres provided for in subparagraph 2 of the first paragraph, which may vary depending on the groups of regional county municipalities identified by decree;

(*c*) determine, for the purposes of subparagraph 3 of the first paragraph, the cases, conditions and areas, which may vary depending on whether or not the acquirer is a farmer; and

(*d*) define "farmer" or "person related to the acquirer".

"**79.0.7.** No person who is not subject to any of the prohibitions provided for in section 79.0.6 may, without the authorization of the commission, make an acquisition of farm land in the name or on behalf of a person who is subject to any of those prohibitions.

"**79.0.8.** The prohibitions provided for in the first paragraph of section 79.0.6 also apply to any lot situated in a designated agricultural region or in a reserved area established under Division III of this Act.

"**79.0.9.** Anyone wishing to obtain an authorization under this subdivision must present an application to the commission, together with all the documents and information the commission requires by regulation and, if applicable, with the payment of the fees prescribed for the presentation of the application.

An acquirer who intends to register his agricultural operation in accordance with section 36.0.1 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (chapter M-14) must submit an affidavit to that effect along with his application.

"**79.0.10.** The commission must give the applicant and any interested person the opportunity to present observations.

It may also require from those persons the information and documents the commission considers relevant to the examination of the application.

It must, before rendering a decision that is unfavourable, notify the applicant in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow the applicant at least 10 days to present observations.

"**79.0.11.** In examining an application for acquisition, the commission must take into consideration

(1) the intended use, in particular the applicant's intention to carry out an agricultural project on the farm land that is the subject of the application;

(2) the soil capability of the farm land and of the neighbouring lots;

(3) the possible uses of the farm land for agricultural purposes;

(4) the impact of the acquisition on the price of farm land in the region;

(5) the effects of the acquisition or of the projected use on the economic development of the region;

(6) the enhancement of agricultural products and the development of underutilized farm land;

(7) the concentration of ownership of farm land and access to farm land for the next generation of farmers; and

(8) the impact on land occupancy.

"**79.0.12.** Notwithstanding subparagraph 2 of the first paragraph of section 79.0.6, the authorization to acquire farm land is granted when the applicant declares that the farm land will, in the year following registration of the acquisition in the land register, be part of an agricultural operation registered in his name in accordance with section 36.0.1 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (chapter M-14).

"**79.0.13.** The commission shall render a substantiated decision and shall send it to the applicant, to the owner of the immovable concerned and to any other interested person."

**64.** Section 79.2.2 of the Act is amended by inserting "or a residence erected for a producer or for the producer's child, employee, shareholder or partner following an authorization of the commission under section 62," after "2001,".

**65.** Section 79.2.3.1 of the Act is amended, in the introductory clause,

(1) by inserting "or by derogating from a standard originating from the exercise of a power provided for in subparagraphs 3, 4.1 or 5 of the second paragraph of section 113 of the Act respecting land use planning and development (chapter A-19.1) or in subparagraph *c* of subparagraph 18 of the second paragraph of that section" after "under separation distance requirements";

(2) by replacing "the separation distance requirements" by "those requirements and standards".

**66.** Section 79.2.5 of the Act is amended

(1) by inserting "or it is the subject of a demonstration, by the operator, that it was in operation on 21 June 2001" at the end of subparagraph 1 of the first paragraph;

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

"(4) any standard originating from the exercise of powers provided for in subparagraph *c* of subparagraph 18 of the second paragraph of section 113 of that Act.";

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

"Where a breeding unit is the subject of a demonstration under subparagraph 1 of the first paragraph, the demonstration must also pertain to the maximum number of livestock units for each category or group of animals raised or kept in the breeding unit in the 12 months preceding 21 June 2001."

**67.** Section 79.2.6 of the Act is amended by adding the following paragraph at the end:

"Where a breeding unit is the subject of a demonstration, the municipality determines, according to the proof submitted by the operator of the unit, whether the breeding unit was in operation on 21 June 2001 and the maximum number of livestock units for each category or group of animals raised or kept in that unit."

**68.** Section 79.17 of the Act is amended

(1) by inserting ", lights, fumes, vibrations, insects" after "noise" in the introductory clause;

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

"(1) as regards odours, in accordance with the standards aimed at reducing the inconvenience caused by odours resulting from agricultural activities, originating from the exercise of the powers provided for in subparagraph 4 of the second paragraph of section 113 of the Act respecting land use planning and development (chapter A-19.1) and, as regards the other matters, in accordance with the regulatory standards adopted under the Environment Quality Act (chapter Q-2);".

**69.** Section 79.18 of the Act is amended by inserting ", lights, fumes, vibrations, insects" after "noise" in paragraph 1.

**70.** Section 79.19 of the Act is amended

(1) by inserting ", lights, fumes, vibrations, insects" after "noise" in the introductory clause;

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

"(1) as regards odours, in accordance with the standards aimed at reducing the inconvenience caused by odours resulting from agricultural activities, originating from the exercise of the powers provided for in subparagraph 4 of the second paragraph of section 113 of the Act respecting land use planning and development (chapter A-19.1) and, as regards the other matters, in accordance with the regulatory standards adopted under the Environment Quality Act (chapter Q-2);".

**71.** Section 80 of the Act is amended

(1) by striking out subparagraph 9 of the first paragraph;

(2) in the second paragraph,

(*a*) by replacing "farm product processing on a farm" in subparagraph 2 by "the storage, packaging, processing and sale of farm products on a farm";

(*b*) by adding the following subparagraphs at the end:

"(5) the change of a main use for a purpose other than agriculture on a maximum area of one hectare that benefits from an acquired right recognized under Chapter VII;

"(6) a use for the purpose of enhancing or restoring a natural setting or a use for extensive recreational purposes in a territory established under the Natural Heritage Conservation Act (chapter C-61.01) and where the cultivation of the soil, the pasture of animals and the production of maple syrup are prohibited; and

"(7) filming or the production of video content that does not require permanent infrastructure.";

(3) by striking out the third paragraph.

**72.** Section 82 of the Act is amended by replacing "sections 26 to 29, 55 and 70" by "any of sections 26 to 29, 55, 70 and 79.0.6".

**73.** Section 85 of the Act is amended, in the first paragraph,

(1) by replacing "two" by "three";

(2) by replacing "from a judge of the Superior Court an order enjoining that person to comply with it" by "homologation of the order by the Superior Court".

**74.** The Act is amended by inserting the following division after section 86:

"**DIVISION I.1**
"MONETARY ADMINISTRATIVE PENALTIES

"§1. — *Imposition of penalties*

"**86.1.** A monetary administrative penalty may be imposed on anyone who

(1) fails to comply with any of sections 26 to 29, 70 and 79.0.6;

(2) omits to provide information or a document required under section 60; or

(3) fails to comply with a condition of an authorization or permit.

A monetary administrative penalty may also be imposed in any of the following cases:

(1) where a person referred to in the second paragraph of section 79.0.1 fails to send the information required under that paragraph or under the third paragraph of that section; or

(2) where information determined in a regulation under the second or third paragraph of section 79.0.1 is inaccurate, false or misleading.

"**86.2.** The amount of a monetary administrative penalty is set by regulation. The amount may vary on the basis of any criterion determined by the Government.

The amount of a monetary administrative penalty may not exceed

(1) $5,000 in the case of a natural person; or

(2) $10,000 in all other cases.

"**86.3.** No monetary administrative penalty may be imposed on a person or partnership for failure to comply with a provision of this Act or of the regulations if a statement of offence has already been served on the person or partnership for contravention of the same provision on the same day and based on the same facts.

"**86.4.** No accumulation of monetary administrative penalties may be imposed on the same person or partnership for failure to comply with the same provision if the failure occurs on the same day and is based on the same facts. In cases where more than one penalty would be applicable, the person imposing

the penalty determines which penalty is most appropriate in light of the circumstances and the purposes of the penalties.

"**86.5.** If a failure to comply for which a monetary administrative penalty may be imposed continues for more than one day, it constitutes a new failure for each day it continues.

In particular, continued use, day after day, for a purpose other than agriculture or the removal of topsoil in contravention of an authorization or of a condition specified in the permit, or the exercise of those activities without holding an authorization or a permit, constitutes a new failure for anyone who does so.

"**86.6.** Before a monetary administrative penalty is imposed, a notice of non-compliance must be notified to the person or partnership in default informing the person or partnership of the failure in question and of the possibility of presenting observations in writing and, if applicable, producing any documents to complete the record. The notice shall urge the person or partnership to take the necessary measures to remedy the failure. The notice must mention that the failure may give rise to a monetary administrative penalty, an order or penal proceedings.

"**86.7.** The imposition of a monetary administrative penalty is prescribed by two years from the date on which the failure to comply is ascertained.

In the absence of evidence to the contrary, the date of the report ascertaining the failure to comply constitutes conclusive proof of the date on which the failure to comply was committed.

"**86.8.** A monetary administrative penalty is imposed, by an employee designated by the commission, by the notification of a notice of claim stating

(1) the amount of the claim;

(2) the reasons why the amount is owing;

(3) the time from which the amount bears interest;

(4) the right to obtain a review of the decision to impose the monetary administrative penalty and the time limit for exercising that right; and

(5) the information on the procedure for payment and recovery of the amount owing.

The amount owing bears interest at the rate determined under the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002), from the 31st day after notification of the notice.

Notification of a notice of claim interrupts the prescription provided for in the Civil Code for the recovery of an amount owing.

"§2. — *Review and proceeding*

"**86.9.** Anyone on whom a monetary administrative penalty is imposed may apply, in writing, to the commission for review of the decision to impose the penalty within 30 days after the notification of the notice of claim. The application for review suspends the execution of the decision. However, the interest shall be accrued from the date provided for in subparagraph 3 of the second paragraph of section 86.8, subject to the application of the third paragraph of section 86.11.

A member of the commission is responsible for the review of the decision.

"**86.10.** Applications for review must be processed promptly. After having given the applicant an opportunity to present observations and, if applicable, produce documents to complete the applicant's record, the member of the commission responsible for the review renders a decision on the basis of the record, unless the member considers it necessary to proceed in some other manner.

"**86.11.** The review decision confirms, quashes or amends the decision under review. It must be written in clear, concise terms and give reasons.

The review decision is notified to the applicant and states the applicant's right to contest the decision before the Administrative Tribunal of Québec and the time limit for bringing such a proceeding.

If the review decision is not rendered within 30 days of receipt of the application or, if applicable, of the time granted to the applicant to present observations or produce documents, the interest provided for in the second paragraph of section 86.8 on the amount owing ceases to accrue until the decision is rendered.

"**86.12.** A review decision that confirms or amends the imposition of a monetary administrative penalty may be contested before the Administrative Tribunal of Québec in accordance with section 21.1.

Such a proceeding suspends the execution of the decision. However, interest nevertheless accrues.

When rendering its decision, the Tribunal may rule in respect of the interest accrued.

"§3. — *Recovery*

"**86.13.** If a partnership or legal person has defaulted on payment of a monetary administrative penalty, its directors, members or officers are solidarily liable, with the partnership or legal person, for payment of the penalty, unless they establish that they exercised due care and diligence to prevent the failure which led to the claim.

"**86.14.** The debtor of a monetary administrative penalty and the commission may enter into an agreement with regard to payment of an administrative penalty.

The agreement, or the payment of the amount owing, does not constitute an acknowledgement of the facts giving rise to the administrative penalty for the purposes of penal proceedings or any other administrative penalty under this Act.

"**86.15.** If the debtor fails to pay the entire amount owing or to adhere to the agreement entered into under section 86.14, the commission may issue a recovery certificate as of the date on which the decision imposing the penalty becomes final.

The certificate may, however, be issued before the expiry of the time referred to in the first paragraph if the commission is of the opinion that the debtor is attempting to evade payment.

The certificate states the debtor's name and address and the amount owing.

"**86.16.** When the Minister of Revenue allocates, once a recovery certificate has been issued and in accordance with section 31 of the Tax Administration Act (chapter A-6.002), a refund owed to a person by reason of the application of a fiscal law to the payment of the amount mentioned in the certificate, the allocation interrupts the prescription provided for in the Civil Code with regard to the recovery of that amount.

"**86.17.** On the filing of the recovery certificate at the office of the competent court, together with a copy of the final decision stating the amount of the debt, the decision becomes enforceable as if it were a final judgment of that court not subject to appeal and has all the effects of such a judgment.

"**86.18.** The debtor is bound to pay the recovery charges in the cases and on the conditions determined by government regulation.

"§4. — *Register*

"**86.19.** The commission keeps a register of the information related to monetary administrative penalties imposed under this Act. The register specifies

(1) the date the penalty was imposed;

(2) the date and nature of the failure for which the penalty was imposed and the provisions under which it was imposed;

(3) the name of the municipality in whose territory the failure occurred;

(4) if the penalty concerns a legal person, its name and the address of its head office or the address of one of its establishments or the business establishment of one of its agents;

(5) if the penalty concerns a partnership, its name and address;

(6) if the penalty concerns a natural person, the person's name, the name of the municipality in whose territory the person resides and, if the failure occurred in the ordinary course of business of the person's enterprise, the name and address of the enterprise;

(7) the amount of the penalty imposed;

(8) if applicable, the date of receipt of an application for review and the date and conclusions of the review decision;

(9) if applicable, the date a proceeding was brought before the Administrative Tribunal of Québec and the date and conclusions of the Tribunal's decision, as soon as the commission is made aware of the information;

(10) if applicable, the date any proceeding was brought against the Administrative Tribunal of Québec's decision, the nature of the proceeding and the date and conclusions of the decision rendered by the court concerned, as soon as the commission is made aware of the information; and

(11) any other information the commission considers of public interest."

**75.** Section 87 of the Act is repealed.

**76.** Section 89 of the Act is amended

(1) by inserting "or a partnership" after "Where a legal person";

(2) by inserting "partner," after "officer,";

(3) by inserting "or of that partnership" after "that legal person";

(4) by replacing "penalty provided in sections 90 and 90.1 for natural persons" by "same penalty as that provided for the offence that the legal person or the partnership has prescribed, authorized or consented to".

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

"**89.1.** Except in the cases where another penalty is prescribed, anyone who contravenes a provision of this Act or the regulations commits an offence and is liable to a fine of $1,000 to $10,000 in the case of a natural person and of $6,000 to $60,000 in any other case."

**78.** Section 90 of the Act is amended

(1) by replacing "Every person who" and "is guilty of" in the introductory clause by "Anyone who" and "commits", respectively;

(2) by replacing "$5,000" and "$15,000" in paragraph 1 by "$15,000" and "$25,000", respectively;

(3) by replacing "$15,000" and "$25,000" in paragraph 2 by "$30,000" and "$50,000", respectively.

**79.** The Act is amended by inserting the following section after section 90:

"**90.0.1.** Anyone who commits an offence referred to in section 90 in respect of an area of land of less than one hectare, in section 26 other than by removing earth, sand or gravel, or in any of sections 28, 29 and 79.0.6 is liable to a fine of $5,000 to $50,000 in the case of a natural person and of $30,000 to $300,000 in all other cases."

**80.** Section 90.1 of the Act is replaced by the following section:

"**90.1.** Anyone who

(1) fails to send a declaration under section 32 or 32.1;

(2) sends a document containing a false declaration or inaccurate, false or misleading information;

(3) hinders an inspector or investigator in the performance of their functions, impedes them or misleads them by an act, concealment, omissions or misrepresentations;

(4) does not comply with any condition specified in the permit referred to in section 70; or

(5) contravenes a provision of a regulation under section 74 by omitting to furnish security,

commits an offence and is liable to a fine of $2,500 to $25,000 in the case of a natural person and of $15,000 to $150,000 in all other cases."

**81.** The Act is amended by inserting the following sections after section 90.1:

"**90.2.** Anyone who

(1) does not comply with an order of the commission or refuses to comply with one of its decisions;

(2) exercises an activity referred to in section 70 without a permit or after a permit has been suspended or cancelled; or

(3) fails to restore the land to its former condition in accordance with section 74,

commits an offence and is liable to a fine of $10,000 to $100,000 in the case of a natural person and of $60,000 to $600,000 in all other cases.

"**90.3.** Subject to paragraph 2 of section 90, the minimum and maximum fines prescribed by this Act are doubled for a second offence and tripled for a third or subsequent offence.

"**90.4.** In determining the amount of the fine, the court must take into account, in particular,

(1) the seriousness of the harm to the agricultural land;

(2) the impossibility of restoring the lot to its former condition;

(3) whether a contaminant has been released into the soil;

(4) whether the immovable concerned is a protected immovable according to the RCM land use and development plan;

(5) the duration of the offence;

(6) the repetitive nature of the offence;

(7) the number of hectares concerned;

(8) whether the offender acted intentionally or was reckless or negligent; and

(9) the benefits and revenues the person or partnership that committed the offence has derived from the commission of the offence.

A judge who, despite the presence of an aggravating factor, decides to impose the minimum fine must give reasons for the decision."

**82.** Section 91 of the Act is amended by replacing "one year" in the first paragraph by "three years".

**83.** Section 96 of the Act is amended by striking out the third paragraph.

**84.** Section 99 of the Act is repealed.

**85.** Section 100.1 of the Act is amended

(1) in the fourth paragraph,

(*a*) by replacing "alienation, subdivision or use for any purpose other than agriculture" in the introductory clause by "an alienation, a subdivision or the erection of a residence";

(*b*) by replacing "in respect of a construction, or" in subparagraph *b* by "following the erection of a residence.";

(*c*) by striking out subparagraph *c*;

(2) by replacing "contest" in the eighth paragraph by "a review".

**86.** The Act is amended by inserting the following section after section 101.1:

"**101.2.** Despite section 101, no person may add or erect an additional dwelling, an additional residence or any other additional building in which a dwelling is built on the surface of a lot for which a right to residential use under section 101 exists, except in the cases and according to the conditions determined in a regulation under section 80 or if the commission authorizes it."

**87.** The Act is amended by inserting the following section after section 104:

"**104.1.** Where a lot has been acquired or utilized for a public utility purpose or where a lot was the subject of an authorization for its use or its acquisition for such a purpose in accordance with section 104, the lot may be used only for a public utility purpose under that section.

The right to a use for a public utility purpose is extinguished by the alienation of the lot to a person other than the Government, one of its ministers, a public body or a person empowered to expropriate.

Any use for a purpose other than a public utility purpose must be the subject of an authorization of the commission."

**88.** The Act is amended by inserting the following sections after section 105.3:

"**105.4.** Until the coming into force of the first decree made under section 58.7,

(1) the fourth paragraph of section 59 applies to the municipalities included in groups D to F listed in Schedule B;

(2) the first paragraph of section 61.1 applies to the municipalities included in groups A to D listed in Schedule B;

(3) paragraph 1 of section 61.2 and subparagraph 1 of the first paragraph of section 61.3 apply to the municipalities included in groups A to D listed in Schedule B;

(4) subparagraph 5 of the second paragraph of section 62 applies to the municipalities included in groups A to D listed in Schedule B; and

(5) the first paragraph of section 65.1 applies to the municipalities included in groups A to E listed in Schedule B.

"**105.5.** Until the coming into force of the first decree made under section 79.0.5, subparagraph 2 of the first paragraph of section 79.0.6 applies to the municipalities included in groups A to D listed in Schedule B."

**89.** The Act is amended by adding the following schedule at the end:

"SCHEDULE B
(*Sections 105.4 and 105.5*)
GROUPS OF REGIONAL COUNTY MUNICIPALITIES

**GROUP A**: REGIONAL COUNTY MUNICIPALITIES (MRC) AND EQUIVALENT TERRITORIES THAT ARE PART OF A METROPOLITAN COMMUNITY

| **Communauté métropolitaine de Montréal** | **Communauté métropolitaine de Québec** |
|---|---|
| Agglomération de Longueuil | Agglomération de Québec |
| Agglomération de Montréal | MRC de La Côte-de-Beaupré |
| MRC de Beauharnois-Salaberry | MRC de La Jacques-Cartier |
| MRC de Deux-Montagnes | MRC de L'Île-d'Orléans |
| MRC de L'Assomption | Ville de Lévis |
| MRC de La Vallée-du-Richelieu | |
| MRC de Marguerite-D'Youville | |
| MRC de Roussillon | |
| MRC de Rouville | |
| MRC de Thérèse-De Blainville | |
| MRC de Vaudreuil-Soulanges | |
| MRC des Moulins | |
| Ville de Laval | |
| Ville de Mirabel | |

**GROUP B**: CITIES EXERCISING CERTAIN REGIONAL COUNTY MUNICIPALITY (MRC) POWERS WITHIN A CENSUS METROPOLITAN AREA

| | |
|---|---|
| Ville de Gatineau | Ville de Sherbrooke |
| Ville de Saguenay | Ville de Trois-Rivières |

**GROUP C**: REGIONAL COUNTY MUNICIPALITIES (MRC) IN THE AREAS SURROUNDING THE METROPOLITAN COMMUNITIES OF MONTRÉAL, QUÉBEC AND VILLE DE GATINEAU

| **Areas surrounding the Communauté métropolitaine de Montréal** | **Areas surrounding the Communauté métropolitaine de Québec** | **Areas surrounding Ville de Gatineau** |
|---|---|---|
| MRC d'Argenteuil | MRC de Bellechasse | MRC des Collines-de-l'Outaouais |
| MRC de D'Autray | MRC de La Nouvelle-Beauce | |
| MRC de Joliette | MRC de Lotbinière | |
| MRC de La Rivière-du-Nord | MRC de Portneuf | |
| MRC de Matawinie | | |
| MRC de Montcalm | | |
| MRC de Pierre-De Saurel | | |
| MRC des Jardins-de-Napierville | | |
| MRC des Laurentides | | |
| MRC des Maskoutains | | |
| MRC des Pays-d'en-Haut | | |
| MRC du Haut-Richelieu | | |
| MRC du Haut-Saint-Laurent | | |

**GROUP D**: REGIONAL COUNTY MUNICIPALITIES (MRC) AND EQUIVALENT TERRITORIES WHOSE URBAN CENTRE'S POPULATION IS OVER 20,000

| | |
|---|---|
| MRC d'Arthabaska | MRC de Memphrémagog |
| MRC de Beauce-Sartigan | MRC de Rimouski-Neigette |
| MRC de Brome-Missisquoi | MRC de Rivière-du-Loup |
| MRC de Drummond | MRC de Sept-Rivières |
| MRC de La Haute-Yamaska | MRC des Appalaches |
| MRC de La Vallée-de-l'Or | Ville de Rouyn-Noranda |
| MRC de Lac-Saint-Jean-Est | Ville de Shawinigan |
| MRC de Manicouagan | |

**GROUP E**: REGIONAL COUNTY MUNICIPALITIES (MRC) AND EQUIVALENT TERRITORIES EXPERIENCING DEMOGRAPHIC GROWTH WHOSE URBAN CENTRE'S POPULATION IS LESS THAN 20,000

| | |
|---|---|
| Communauté maritime des Îles-de-la-Madeleine | MRC de Maskinongé |
| MRC d'Avignon | MRC de Mékinac |
| MRC d'Acton | MRC de Nicolet-Yamaska |
| MRC d'Antoine-Labelle | MRC de Papineau |
| MRC de Beauce-Centre | MRC des Chenaux |
| MRC de Bécancour | MRC des Etchemins |
| MRC de Charlevoix | MRC des Sources |
| MRC de Coaticook | MRC du Fjord-du-Saguenay |

| | |
|---|---|
| MRC de L'Érable | MRC du Granit |
| MRC de La Côte-de-Gaspé | MRC du Val-Saint-François |
| MRC de La Vallée-de-la-Gatineau | MRC du Haut-Saint-François |

**GROUP F**: REGIONAL COUNTY MUNICIPALITIES (MRC) AND EQUIVALENT TERRITORIES EXPERIENCING DEMOGRAPHIC DECLINE WHOSE URBAN CENTRE'S POPULATION IS LESS THAN 20,000

| | |
|---|---|
| Agglomération de La Tuque | MRC de La Mitis |
| MRC d'Abitibi | MRC de Maria-Chapdelaine |
| MRC d'Abitibi-Ouest | MRC de Minganie |
| MRC de Bonaventure | MRC de Montmagny |
| MRC de Caniapiscau | MRC de Pontiac |
| MRC de Charlevoix-Est | MRC de Témiscamingue |
| MRC de Kamouraska | MRC de Témiscouata |
| MRC de L'Islet | MRC des Basques |
| MRC de La Haute-Côte-Nord | MRC du Domaine-du-Roy |
| MRC de La Haute-Gaspésie | MRC du Golf-du-Saint-Laurent |
| MRC de La Matanie | MRC du Rocher-Percé |
| MRC de La Matapédia | |

".

ACT TO AMEND THE CHARTER OF THE CITY OF LAVAL

**90.** Section 486.1 of the Cities and Towns Act (chapter C-19), enacted for Ville de Laval by section 5 of the Act to amend the charter of the City of Laval (1996, chapter 84), amended by section 5 of chapter 51 of the statutes of 2010, is again amended by adding the following sentence at the end of the first paragraph: "However, no tax may be imposed on land on which a tax is imposed under section 244.75 of the Act respecting municipal taxation (chapter F-2.1)."

ACT RESPECTING VILLE DE VARENNES

**91.** Section 486.1 of the Cities and Towns Act (chapter C-19), enacted for Ville de Varennes by section 23 of the Act respecting Ville de Varennes (1997, chapter 106), is amended by adding the following sentence at the end of the first paragraph: "However, no surtax may be imposed on land on which a tax is imposed under section 244.75 of the Act respecting municipal taxation (chapter F-2.1)."

ACT RESPECTING VILLE DE SAINT-BASILE-LE-GRAND

**92.** Section 486.1 of the Cities and Towns Act (chapter C-19), enacted for Ville de Saint-Basile-le-Grand by section 23 of the Act respecting Ville de Saint-Basile-le-Grand (1999, chapter 97), is amended by adding the following sentence at the end of the first paragraph: "However, no surtax may be imposed on land on which a tax is imposed under section 244.75 of the Act respecting municipal taxation (chapter F-2.1)."

ACT RESPECTING VILLE DE CONTRECOEUR

**93.** Section 486.1 of the Cities and Towns Act (chapter C-19), enacted for Ville de Contrecœur by section 23 of the Act respecting Ville de Contrecoeur (2002, chapter 95), is amended by adding the following sentence at the end of the first paragraph: "However, no surtax may be imposed on land on which a tax is imposed under section 244.75 of the Act respecting municipal taxation (chapter F-2.1)."

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

**94.** Section 24 of the Act respecting Ville de Brownsburg-Chatham, Ville de Lachute and Municipalité de Wentworth-Nord (2004, chapter 46) is amended by adding the following paragraph at the end:

"However, no surtax may be imposed on land on which a tax is imposed under section 244.75 of the Act respecting municipal taxation (chapter F-2.1)."

ACT RESPECTING VILLE DE MONT-SAINT-HILAIRE

**95.** Section 8 of the Act respecting Ville de Mont-Saint-Hilaire (2009, chapter 72) is amended by inserting the following paragraph after the second paragraph:

"However, no surtax may be imposed on land on which a tax is imposed under section 244.75 of the Act respecting municipal taxation (chapter F-2.1)."

ACT RESPECTING MUNICIPALITÉ DE SAINTE-ANNE-DE-SOREL

**96.** Section 6 of the Act respecting Municipalité de Sainte-Anne-de-Sorel (2016, chapter 37) is amended by adding the following paragraph at the end:

"However, no surtax may be imposed on land on which a tax is imposed under section 244.75 of the Act respecting municipal taxation (chapter F-2.1)."

REGULATION RESPECTING AN APPLICATION FOR AUTHORIZATION AND THE INFORMATION AND DOCUMENTS REQUIRED FOR THE APPLICATION

**97.** Section 2 of the Regulation respecting an application for authorization and the information and documents required for the application (chapter A-4.1, r. 2) is amended by replacing "or the raising of livestock" in subparagraph vii of paragraph *b*, by ", the pasture of animals or the production of maple syrup".

REGULATION RESPECTING FEES OF EXPERTS AND INVESTIGATORS WHOSE SERVICES THE COMMISSION DE PROTECTION DU TERRITOIRE AGRICOLE DU QUÉBEC CONSIDERS EXPEDIENT TO RETAIN

**98.** The Regulation respecting fees of experts and investigators whose services the Commission de protection du territoire agricole du Québec considers expedient to retain (chapter P-41.1, r. 3) is repealed.

TRANSITIONAL AND FINAL PROVISIONS

**99.** The provisions of sections 15, 15.1 and 15.2 of the Act respecting the acquisition of farm land by non-residents (chapter A-4.1) and of section 2 of the Regulation respecting an application for authorization and the information and documents required for the application (chapter A-4.1, r. 2), as amended, respectively, by sections 3, 4, 5 and 97 of this Act, do not apply to applications that on 25 March 2025 are pending before the commission.

**100.** The provisions of section 165.4.2 of the Act respecting land use planning and development (chapter A-19.1), as amended by section 12 of this Act, do not apply to permit or certificate applications that on 25 March 2025 are pending before a municipality.

**101.** The municipal body responsible for assessment is required to cause the required entries to be made in respect of any property assessment roll in force on 1 January 2026, in accordance with a resolution adopted under the first paragraph of section 57.3 of the Act respecting municipal taxation (chapter F-2.1), as enacted by section 15 of this Act, and despite the fifth paragraph of section 57.3 of the Act respecting municipal taxation.

**102.** Until the first decree is made under section 26.6 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (chapter M-14), enacted by section 20 of this Act, the lots and parts of a lot identified in decree number 1565-2022 dated 17 August 2022 constitute the agricultural innovation park.

**103.** The provisions of sections 58.1, 58.2, 58.4, 60.1, 61.1, 61.2 to 61.5, 62.2, 65, 65.0.2, 65.0.3 and 65.1 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), as amended, respectively, by sections 37, 38, 40, 47, 48, 50, 52, 54, 55 and 56 of this Act, do not apply to applications that on 25 March 2025 are pending before the commission.

**104.** The provisions of the second paragraph of section 11 and of sections 59.3 and 62 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), as amended, respectively, by paragraph 2 of section 25 and by sections 45 and 51 of this Act, apply to applications that on 25 March 2025 are pending before the commission provided the commission has not given the indication of its preliminary intent referred to in section 60.1 of the Act respecting the preservation of agricultural land and agricultural activities.

**105.** Section 64.1 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), enacted by section 53 of this Act, applies to any decision rendered before 25 March 2025 but the five-year time limit is calculated from that date.

**106.** Until the revision of the RCM land use and development plan or of the metropolitan land use and development plan of a community has been carried out in accordance with the government policy directions referred to in Order in Council 853-2024 dated 22 May 2024 (French only), the commission may, despite section 65.1 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), as amended by section 56 of this Act, reject the application for exclusion of that regional county municipality or community on the sole ground that an appropriate available area exists.

**107.** The provisions of section 67 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), as amended by section 60 of this Act, apply to all decisions of the Government or of the commission ordering the exclusion or inclusion of a lot rendered in the 24 months preceding 25 March 2025.

**108.** The period of validity of a permit in force referred to in section 70 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) and issued by the commission before 25 March 2025 is extended by one year.

**109.** Until a regulation is made by the Government under subparagraph 1 of the first paragraph of section 79.0.6 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), enacted by section 63 of this Act, investment funds within the meaning of section 5 of the Securities Act (chapter V-1.1) are subject to the acquisition prohibition.

The first paragraph applies from 5 December 2024.

**110.** Despite the fourth paragraph of section 100.1 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), as amended by section 85 of this Act, any use other than residential in respect of which the Act respecting the preservation of agricultural land and agricultural activities does not prescribe an obligation to produce a declaration is deemed to be consistent with that Act if before 25 March 2025 more than five years have elapsed from the date of the first municipal tax account sent in respect of a construction or from the date on which work, other than construction work, ends.

**111.** The provisions of section 101.2 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), enacted by section 86 of this Act, do not apply to a person who, between 21 June 2001 and 5 December 2024

(1) was a holder of a notice of compliance issued by the commission under section 32 of the Act respecting the preservation of agricultural land and agricultural activities or sent their declaration to the commission by that date; or

(2) was issued a permit for the addition of an additional dwelling, an additional residence or an additional building in which a dwelling is built on the basis of a notice of compliance issued under section 32 of the Act respecting the preservation of agricultural land and agricultural activities.

**112.** A person to whom section 111 of this Act applies has a five-year time limit from 25 March 2025 to begin construction of the additional dwelling, additional residence or additional building in which a dwelling is built.

**113.** The provisions of section 63 insofar as it enacts section 79.0.3 and subparagraphs 1 and 2 of the first paragraph of section 79.0.6 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), of section 86, of section 88 insofar as it enacts section 105.5 of the Act respecting the preservation of agricultural land and agricultural activities and of section 89 of this Act have effect as of 5 December 2024.

**114.** This Act comes into force on 25 March 2025, except

(1) section 13, paragraph 2 of section 22 and section 63 insofar as it enacts sections 79.0.1 and 79.0.2 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), which come into force on the

date of coming into force of the first regulation made under section 79.0.1 of the Act respecting the preservation of agricultural land and agricultural activities;

(2) section 63 insofar as it enacts subparagraph 3 of the first paragraph of section 79.0.6 of the Act respecting the preservation of agricultural land and agricultural activities, which comes into force on the date of coming into force of the first regulation made under that subparagraph 3; and

(3) section 74, which comes into force on the date of coming into force of the first regulation made under the first paragraph of section 86.2 of the Act respecting the preservation of agricultural land and agricultural activities.

107408

# NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-THIRD LEGISLATURE

Bill 214
(Private)

## An Act respecting Ville de Rouyn-Noranda

**Introduced 1 April 2025**
**Passed in principle 23 April 2025**
**Passed 23 April 2025**
**Assented to 23 April 2025**

**Québec Official Publisher**
**2025**

# Bill 214

(Private)

## AN ACT RESPECTING VILLE DE ROUYN-NORANDA

AS Ville de Rouyn-Noranda and the Government are collaborating in the redevelopment of a sector of the city to promote the establishment and maintenance of separation distances between the activities of Glencore Canada Corporation at its Horne Smelter establishment and the other uses carried on in the city's territory;

AS the redevelopment involves, among other things, relocating residents and activities;

AS Rouyn-Noranda wishes to help the persons directly affected by the redevelopment;

AS it is appropriate to grant the city special powers for that purpose;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Despite the Act respecting the prohibition of municipal subsidies (chapter I-15), Ville de Rouyn-Noranda may, by by-law, adopt any assistance program to support the owners or occupants of the immovables concerned by the redevelopment of a sector near the Horne Smelter establishment, in particular to promote the relocation of the occupants of those immovables and of the activities carried on there.

**2.** A by-law adopted under section 1 determines

(1) the sector targeted by the assistance program;

(2) the nature of the assistance granted, which may take the form of an immovable alienated free of charge or on preferential terms, a subsidy, a loan or a tax or duties credit, including a credit for interest or penalties on such taxes or duties, even if the taxes, duties, interest or penalties were imposed prior to 23 April 2025;

(3) the classes of immovables, persons or activities to which the assistance program applies and specific rules for each of those classes;

(4) the criteria used to calculate the amount of the assistance, which may take account of events that occurred prior to 23 April 2025;

(5) the period of eligibility for assistance, which may not exceed 31 March 2030; and

(6) any other condition or term relating to the application of the assistance program.

**3.** The total value of the assistance granted by the city under any assistance program adopted under section 1 must not exceed $16,000,000 and the total value of the assistance granted to any one person under all such assistance programs must not exceed $860,000 per immovable owned or occupied by the person.

**4.** The minister responsible for municipal affairs may authorize the city to extend the period of eligibility for assistance beyond the date specified in paragraph 5 of section 2 or to increase either of the amounts specified in section 3.

**5.** This Act comes into force on 23 April 2025.

107416

Gouvernement du Québec

## O.C. 620-2025, 7 May 2025

Regulation respecting the communication of personal information and documents related to the procreation of a child involving the contribution of a third person in the context of a parental project

WHEREAS, under the second paragraph of article 542.1 of the Civil Code, a person born of procreation involving the contribution of a third person, including one under 14 years of age who has obtained the approval of the person's father and mother, the person's parents or the person's tutor, has the right to obtain, according to the terms determined by government regulation, a copy of the surrogacy agreement, of the judgment concerning the person's filiation, if applicable, as well as of the other documents contained in the judicial file and of any other documents determined by the regulation;

WHEREAS, under the second paragraph of article 542.14 of the Code, after drawing up the child's act of birth, the registrar of civil status enters the child's name and date of birth and any other information determined by government regulation in the register;

WHEREAS, under the third paragraph of article 542.15 of the Code, after drawing up the act of birth, the registrar of civil status enters in the register the information transmitted to the registrar at the time the child's declaration of birth is made by the person alone or the spouses who formed the parental project, the child's name and date of birth, and the other information determined by government regulation;

WHEREAS, under the second paragraph of article 542.17 of the Code, after drawing up the act of birth, the registrar of civil status enters in the register the information sent to the registrar by the woman or the person who gave birth to the child, the child's name and date of birth, and the other information determined by government regulation;

WHEREAS, under the fourth paragraph of section 43.1 of the Act respecting clinical and research activities relating to assisted procreation (chapter A-5.01), a government regulation prescribes the other information that must be sent by a centre for assisted procreation to the Minister of Employment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the communication of personal information and documents related to the procreation of a child involving the contribution of a third person in the context of a parental project was published in Part 2 of the *Gazette officielle du Québec* of 27 November 2024 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 Justice:

THAT the Regulation respecting the communication of personal information and documents related to the procreation of a child involving the contribution of a third person in the context of a parental project, attached to this Order in Council, be made.

DAVID BAHAN
*Clerk of the Conseil exécutif*

## Regulation respecting the communication of personal information and documents related to the procreation of a child involving the contribution of a third person in the context of a parental project

Civil Code of Québec
(Civil Code, art. 542.1, 2nd par., art. 542.14, 2nd par., art. 542.15, 3rd par., and art. 542.17, 2nd par.).

Act respecting clinical and research activities relating to assisted procreation
(chapter A-5.01, s. 43.1, 4th par.).

**1.** To obtain a copy, if applicable, of the surrogacy agreement, of the judgment concerning the person's filiation, as well as of the other documents contained in the judicial file from the court office of the district in which the judgment was rendered, the person born of procreation involving the contribution of a third person must obtain an attestation from the authority designated by law to disclose the information provided for in article 542.1 of the Civil Code. The same applies to the descendants in the first degree, 14 years of age or over, of a person born of procreation involving the contribution of a third person if the person born of such procreation is deceased.

The attestation must make it possible to confirm, as the case may be, the status of the applicant as person born of procreation involving the contribution of a third person or as descendant in the first degree of a person born of such procreation who is deceased and to confirm if the

applicant may obtain the information making it possible to contact the third person who contributed to the procreation including the conditions authorizing the contact.

**2.** The registrar of civil status must, in addition to the information provided for in the second paragraph of article 542.14, the third paragraph of article 542.15 and the second paragraph of article 542.17 of the Civil Code, enter in the register kept in accordance with article 542.10 of the Code, the registration number in the register of civil status of the child's act of birth.

In the case of a parental project involving the use of a third person's reproductive material referred to in articles 542.15 and 542.17 of the Code, the registrar of civil status also enters the name of the person with regard to whom the child's filiation is registered and the person's address.

**3.** A centre for assisted procreation must, in addition to the information provided for in the second paragraph of section 43.1 of the Act respecting clinical and research activities relating to assisted procreation (chapter A-5.01), send to the Minister of Employment and Social Solidarity, for entry in the register kept in accordance with article 542.10 of the Civil Code,

(1) the type of reproductive material used;

(2) the date on which the reproductive material was used; and

(3) the name and address of the person alone or the spouses who formed the parental project who used the reproductive material.

If the reproductive material used to contribute to the assisted procreation of a child comes from Québec, the centre must also send to the Minister, for the same purpose, the date on which the reproductive material was provided and the year of birth of the third person who provided the material.

**4.** This Regulation comes into force on 6 June 2025.

107414

Gouvernement du Québec

## **O.C. 624-2025,** 7 May 2025

Regulation to amend the Regulation respecting licences

WHEREAS, under the first paragraph of section 91.3 of the Highway Safety Code (chapter C-24.2), a person who has held a driver's licence for at least one year who settles in Québec after living in a country in respect of which sections 90, 91 and 91.1 of the Code do not apply and who therefore is not eligible for a licence exchange under those sections is exempted from having to hold a learner's licence before obtaining a driver's licence for the operation of a passenger vehicle, except as regards the operation of a motorcycle;

WHEREAS, under the second paragraph of section 91.3 of the Code, a regulation of the Government must determine the time within which a licence must be applied for and the number of times a person may retake the proficiency examinations referred to in section 67 before losing the exemption, and prescribe any special conditions for obtaining a licence;

WHEREAS, under paragraph 3 of section 619 of the Code, the Government may, by regulation, determine classes and categories of licences according to their nature;

WHEREAS, under paragraph 6 of section 619 of the Code, the Government may, by regulation, prescribe, according to the nature, class or category of a licence, the documents and information which must be produced with an application for the issue or renewal of such a licence or the payment of amounts under section 93.1 of the Code as well as any other condition or formality for obtaining or renewing that licence;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting licences was published in Part 2 of the *Gazette officielle du Québec* of 20 November 2024 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Transport and Sustainable Mobility:

THAT the Regulation to amend the Regulation respecting licences, attached to this Order in Council, be made.

DAVID BAHAN
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting licences

Highway Safety Code
(chapter C-24.2, s. 91.3, 2nd par., and s. 619, pars. 3 and 6).

**1.** The Regulation respecting licences (chapter C-24.2, r. 34) is amended in section 2 by replacing "46" by "46.1".

**2.** Section 3 is amended

(1) by replacing "46" by "46.1";

(2) by replacing "third" by "first".

**3.** Section 5 is amended by replacing "indication" in subparagraph 9 of the first paragraph of the English text by "endorsement".

**4.** Section 9.1 is amended by replacing "indication or indications" in the English text by "endorsement or endorsements".

**5.** Section 24 is amended

(1) by replacing "total" in paragraph 1 by "minimum";

(2) by striking out "or optometrical" in paragraph 2;

(3) by adding the following at the end:

"(3) successfully pass the vision test required by the Société.".

**6.** Section 25 is amended

(1) by striking out "or optometrical" in paragraph 3;

(2) by adding the following at the end:

"(4) successfully pass the vision test required by the Société.".

**7.** Sections 28.1 and 28.2 are amended by replacing "indication or indications" in the second paragraph of the English text by "endorsement or endorsements".

**8.** Section 28.3 is amended

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

"A class 3 licence authorizes the driving

(1) of a truck having 2 axles and a net mass of 4,500 kg or more and of a truck with 3 axles or more;

(2) of a truck tractor having 2 axles and a net mass of 4,500 kg or more and of a truck tractor having 3 axles or more.";

(2) by replacing "indication or indications" in the second paragraph of the English text by "endorsement or endorsements".

**9.** Section 30 is amended

(1) by replacing "road vehicle" in paragraph 2 by "truck";

(2) by replacing "indication or indications" in paragraph 6 of the English text by "endorsement or endorsements";

(3) by replacing "indication" in paragraph 7 of the English text by "endorsement";

(4) by adding the following at the end:

"(8) a class 5 driver's licence also allows the holder to drive a motorcycle covered by a class 6E licence, but only during the practical part of the driving course required for driving such a motorcycle.".

**10.** Section 32.1 is amended by striking out the second paragraph.

**11.** Section 32.2 is amended

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

"After failing the practical part of the proficiency examination for the first time, a person no longer benefits from the exemption referred to in section 91.3 of the Highway Safety Code. The person must then obtain a class 5 learner's licence under the conditions provided for in this Regulation, except the conditions relating to the requirement to have successfully completed the theoretical and practical parts of the driving course appropriate for that class of licence.

If the person referred to in the third paragraph successfully completes the practical part of the proficiency examination during the period of validity of the person's learner's licence, the Société issues a driver's licence or, if the person has held a valid driver's licence issued by another administrative authority for less than 2 years, a probationary licence.";

(2) by striking out the last paragraph.

**12.** Section 42 is amended in paragraph 2

(1) by replacing "total" in subparagraph *a* by "minimum";

(2) by striking out "or optometrical" and "to the Société" in subparagraph *b*;

(3) by adding the following at the end:

"(*c*) successfully pass the vision test required by the Société.".

**13.** Section 43 is amended

(1) in paragraph 2

(*a*) by replacing "total" in subparagraph a by "minimum";

(*b*) by striking out "or optometrical" and "to the Société" in subparagraph *b*;

(*c*) by adding the following at the end:

"(*c*) successfully pass the vision test required by the Société;";

(2) in paragraph 3

(*a*) by inserting "and have held such licence or a class 5 probationary licence for less than 24 months" at the end of subparagraph *a*;

(*b*) by striking out "or optometrical" and "to the Société" in subparagraph *c*;

(*c*) by adding the following at the end:

"(*d*) successfully pass the vision test required by the Société.".

**14.** Section 44 is amended by replacing "total" in subparagraph b of paragraph 1 and in paragraph 3 by "minimum".

**15.** Section 45 is amended by replacing "total" in subparagraph c of subparagraph 1 of the first paragraph and in the second paragraph by "minimum".

**16.** Section 46.1 is amended by replacing "indication" in the portion before paragraph 1 of the English text by "endorsement".

**17.** Section 49 is amended by replacing "third" by "first".

**18.** 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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Gouvernement du Québec

## **O.C. 647-2025,** 14 May 2025

Regulation to amend the Hazardous Products Information Regulation, the Regulation respecting occupational health and safety, the Regulation to amend the Regulation respecting occupational health and safety, the Regulation respecting occupational health and safety in mines and the Regulation respecting safety and health in foundry works

WHEREAS, under subparagraphs 3, 7, 9, 19, 21.1 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

— listing contaminants or dangerous substances, classifying them, identifying the biological or chemical agents and determining for each class or each contaminant a maximum permissible quantity or concentration of emission, deposit, issuance or discharge at a workplace, prohibiting or restricting the use of a contaminant or prohibiting any emission, deposit, issuance or discharge of a contaminant;

— 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 the employer 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;

— defining and identifying hazardous products, establishing a classification of such products, and specifying the criteria or methods for classifying them into the categories identified;

— generally prescribing any other measure to facilitate the application of the Act respecting occupational health and safety;

WHEREAS, under the second paragraph of section 223 of the Act respecting occupational health and safety, 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 the regulations may also provide times within which they are to be applied, and these times may vary according to the object and scope of each regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Hazardous Products Information Regulation, the Regulation respecting occupational health and safety, the Regulation respecting occupational health and safety in mines and the Regulation respecting safety and health in foundry works was published in Part 2 of the *Gazette officielle du Québec* of 26 December 2024 with a notice that it could be adopted by the Commission and submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Commission adopted the regulation without amendment at its sitting of 17 April 2025;

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 to amend the Hazardous Products Information Regulation, the Regulation respecting occupational health and safety, the Regulation to amend the Regulation respecting occupational health and safety, the Regulation respecting occupational health and safety in mines and the Regulation respecting safety and health in foundry works;

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

THAT the Regulation to amend the Hazardous Products Information Regulation, the Regulation respecting occupational health and safety, the Regulation to amend the Regulation respecting occupational health and safety, the Regulation respecting occupational health and safety in mines and the Regulation respecting safety and health in foundry works, attached to this Order in Council, be approved.

DAVID BAHAN
*Clerk of the Conseil exécutif*

# Regulation to amend the Hazardous Products Information Regulation, the Regulation respecting occupational health and safety, the Regulation to amend the Regulation respecting occupational health and safety, the Regulation respecting occupational health and safety in mines and the Regulation respecting safety and health in foundry works

Act respecting occupational health and safety (chapter S-2.1, s. 223, 1st par., subpars. 3, 7, 9, 19, 21.1 and 42, and 2nd par.).

HAZARDOUS PRODUCTS INFORMATION REGULATION

**1.** The Hazardous Products Information Regulation (chapter S-2.1, r. 8.1) is amended in section 1 by replacing "Fifth Revised Edition" in the definition of "precautionary statement" by "Seventh Revised Edition".

REGULATION RESPECTING OCCUPATIONAL HEALTH AND SAFETY

**2.** The Regulation respecting occupational health and safety (chapter S-2.1, r. 13) is amended in section 48 by replacing "CAN/CSA-Z180.1-00" in the first paragraph by "CSA-Z180.1".

**3.** Section 70 is amended by replacing the last paragraph by the following:

"For the purposes of this Division, the 6 categories identified in the first paragraph correspond to the hazard classes identified in the following table:

| Classes (Controlled Products Regulations, SOR/88-66) | Hazard Classes (Hazardous Products Regulations, SOR/2015-17) |
|---|---|
| "compressed gases" | "gases under pressure" |
| "flammable and combustible material" | "flammable gases" - category 1A:<br>- "flammable gases";<br>- "pyrophoric gases";<br>- "chemically unstable gases";<br>"flammable gases" - category 1B:<br>- "flammable gases";<br>"aerosols" - categories 1 and 2;<br>"flammable liquids";<br>"flammable solids";<br>"pyrophoric liquids";<br>"pyrophoric solids";<br>"substances and mixtures which, in contact with water, emit flammable gases";<br>"self-heating substances and mixtures";<br>"chemicals under pressure" - categories 1 and 2; |
| "oxydizing material" | "oxydizing gases";<br>"oxydizing liquids";<br>"oxydizing solids";<br>"organic peroxides" - types A to G; |
| "poisonous material" | "oral, dermal or inhalation acute toxicity"- categories 1, 2 and 3;<br>"skin corrosion/irritation" - category 2;<br>"serious eye damage/eye irritation" - category 2;<br>"respiratory or skin sensitization";<br>"germ cell mutagenicity";<br>"carcinogenicity";<br>"reproductive toxicity" - categories 1 and 2;<br>"specific target organ toxicity – repeated exposure";<br>"biohazardous infectious materials";<br>"health hazards not otherwise classified"; |
| "corrosive material" | "corrosive to metals";<br>products classified in one of the following categories:<br>- "skin corrosion/irritation", category 1;<br>- "serious eye damage/eye irritation" - category 1; |
| "dangerously reactive material" | "self-reactive substances and mixtures" - types A to F;<br>"physical hazards not otherwise classified". |

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**4.** Section 302 is amended by replacing "20.5%" in paragraph 1 of the first paragraph by "19.5%".

REGULATION TO AMEND THE REGULATION RESPECTING OCCUPATIONAL HEALTH AND SAFETY

**5.** Section 3 of the Regulation to amend the Regulation respecting occupational health and safety, approved by Order in Council 821-2023 dated 10 May 2023, is replaced by the following:

"**3.** The requirements referred to in section 312.103 of the Regulation respecting occupational health and safety, made by section 2 of this Regulation, take effect from 8 June 2026.".

REGULATION RESPECTING OCCUPATIONAL HEALTH AND SAFETY IN MINES

**6.** The Regulation respecting occupational health and safety in mines (chapter S-2.1, r. 14) is amended in section 2 by striking out "12.1," in the last paragraph.

**7.** Section 12.1 is revoked.

**8.** Section 489 is amended by striking out "asbestos," in the last paragraph.

REGULATION RESPECTING SAFETY AND HEALTH IN FOUNDRY WORKS

**9.** The Regulation respecting safety and health in foundry works (chapter S-2.1, r. 15) is amended in section 140 by striking out "asbestos,".

**10.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except sections 1 and 3, which come into force on 1 December 2025.

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